

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 113.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 16, 2010.

[R11-212]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R4-30-103	Amend
R4-30-122	Amend
R4-30-204	Amend
R4-30-212	Amend
R4-30-214	Amend
R4-30-271	Amend
R4-30-272	Amend
R4-30-301	Amend
R4-30-305	Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 32-106(A)(1) and (9), and 32-106(F)
Implementing statutes: A.R.S. §§ 32-122.01, 32-122.03, 32-122.04, 32-123, 12-990, 12-1000
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 17 A.A.R. 4, January 7, 2011
- 4. The agency's contact person who can answer questions about the rulemaking:**

Name:	Melissa Cornelius, Deputy Director
Address:	Board of Technical Registration 1110 W. Washington St., Suite 240 Phoenix, AZ 85007
Telephone:	(602) 364-4930
Fax:	(602) 364-4931
E-mail:	Melissa.cornelius@azbtr.gov
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The State Board of Technical Registration (Board) is charged with protecting the health, safety, and welfare of the public. Toward this end, the Board examines, registers, and issues registrations and certificates to architects, assayers, clandestine drug lab remediation firms and their employees, certified remediation specialists, engineers, geologists, home inspectors, landscape architects, and land surveyors. Pursuant to A.R.S. § 32-106(A)(1), the Board has authority to adopt rules for the "performance of duties imposed upon it by law." The subject rulemaking is submitted pursuant to that authority.

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This rulemaking proposes to amend nine of the Board's rules. A.A.C. R4-30-305, Drug Laboratory Site Remediation Best Standards and Practices, requires the most significant modification, in order to incorporate new techniques to ensure that seized, illegal drug labs are cleaned thoroughly, and according to improved industry standards. Corresponding rules, A.A.C. R4-30-103, A.A.C. R4-30-271, and A.A.C. R4-30-272, should also be modified to accurately reflect these changing standards.

A.A.C. R4-30-122, the Board's Subpoena rule, must be modified to remove the outdated phrase "Hearing Officer" and affirm the Board's power to issue investigative subpoenas.

A.A.C. R4-30-204 should be modified in order to address a conflict that has arisen between the Board's rule, which requires that Architect applicants pass the national examination required for registration (the Architect Registration Examination,) within five years of first *taking* any division of it, and the new national standard, which provides architect candidates with five years to successfully complete the national examination from the date of *passing* the first of the examination's seven sections. The new national standard allows applicants a longer period of time to pass the competency examination than the Board's rule. A.A.C. R4-30-212, and A.A.C. R4-30-214 must be modified to reflect the changes proposed in A.A.C. R4-30-204.

Finally, A.A.C. R4-30-301 should be modified to remove and replace a reference to an incorrect web site regarding the Arizona association of land surveyors.

The Governor's Office has reviewed and granted the Board's request for an exemption to the Rules Moratorium, in place since 2009, in order to allow the Board to amend these rules to better protect the public's health, safety and welfare.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Board expects that updating the rules will benefit all parties involved in its regulatory processes. The proposed rulemaking would clarify requirements for architect applicants seeking professional registration as well as those registrants working to clean up illegal drug labs.

The proposed rule changes will not impose significant additional costs for small business.

Updating the techniques used to clean illegal drug labs is not expected to impose significant costs on certificate holders or their employees. Architects will benefit from the adoption of the national standard for completion of the Architect Registration Examination.

The proposed rulemaking would tighten language relating to enforcement and clarify compliance requirements, which the Board expects to affect registrants and small businesses positively.

The proposed rulemaking is not expected to have a significant negative impact on the following sectors of the economy: 1) the competitiveness of professionals in Arizona compared to their counterparts from other states; 2) the prices of goods and services in the state; 3) state revenues. The additional administrative costs to state agencies, such as to the Board, the Secretary of State's Office, and the Governor's Regulatory Review Council, are not expected to be significant.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Melissa Cornelius, Deputy Director

Address: Board of Technical Registration
1110 W. Washington St., Suite 240
Phoenix, AZ 85007

Telephone: (602) 364-4930

Fax: (602) 364-4931

E-mail: Melissa.cornelius@azbtr.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

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No proceeding is scheduled. Written and/or oral comments will be accepted at the Board's office between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 1110 W. Washington St., Suite 240, Phoenix, AZ 85007, for 30 days from the date these proposed rules are published in the *Register*.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

No permit is needed

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No person submitted an analysis to the agency comparing the rule's impact on the competitiveness of business in Arizona to the impact on business in other states; however, the submitted revisions should make Arizona equally competitive with other states' registered Architects and Drug Lab remediation firms.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rules follows:

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CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 1. GENERAL PROVISIONS

Section

R4-30-103. Drug Laboratory Site Remediation Definitions

R4-30-122. Issuance of Subpoenas

ARTICLE 2. REGISTRATION PROVISIONS

Section

R4-30-204. Examinations

R4-30-212. Architect-in-training Designation

R4-30-214. Architect Registration

R4-30-271. ~~On-site~~ Onsite Supervisor Certification and Renewal

R4-30-272. ~~On-site~~ Onsite Worker Certification and Renewal

ARTICLE 3. REGULATORY PROVISIONS

Section

R4-30-301. Rules of Professional Conduct

R4-30-305. Drug Laboratory Site Remediation Best Standards and Practices

ARTICLE 1. GENERAL PROVISIONS

R4-30-103. Drug Laboratory Site Remediation Definitions

In addition to the definitions provided in A.R.S. §§ 12-990, 32-101, and R4-30-101, the following definitions shall apply only to drug laboratory site remediation requirements in this Chapter:

1. "ADHS" means the Arizona Department of Health Services.
2. "AHERA" means the Asbestos Hazard Emergency Response Act of 1986 training provisions contained in 40 CFR 763.92, effective November 15, 2000, 65 FR 69216, the provisions of which are incorporated by reference ~~and on file with the Secretary of State~~. This rule does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available at the office of the Board of Technical Registration.
3. "AWQS" means the Arizona Aquifer Water Quality Standards contained in A.A.C. R18-11-406, ~~effective December~~

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31, 2002, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.

4. "Background concentration" means the level of naturally occurring contaminant in soil.
5. "Certificate" or "certificates" means registrations or certifications issued to ~~on-site~~ onsite workers or ~~on-site/remediation~~ onsite supervisors by the Board.
6. "Certified Industrial Hygienist" means a person certified in the comprehensive practice of industrial hygiene by the American Board of Industrial Hygiene.
7. "Certified Safety Professional" means a person certified in safety practices and procedures by the Board of Certified Safety Professionals.
8. "Chain-of-custody protocol" means a procedure used to document each person that has had custody or control of an environmental sample from its source to the analytical laboratory, and the time of possession of each person.
9. "Characterize" means to determine the quality or properties of a material by sampling and testing to determine the concentration of contaminants, or specific properties of the material such as flammability or corrosiveness.
10. "Combustible" means vapor concentration from a liquid that has a flash point greater than 100° F.
11. "Confirmation sampling of remedial projects" means collecting ~~materials~~ material samples after a remedial effort to confirm that the remedial effort reduced contaminant concentrations or material properties to below the remedial standard.
12. "Contamination" or "contaminated" means the state of being impacted or polluted by hazardous or petroleum substances or chemicals.
13. "Corrosive" means a material such as acetic acid, acetic anhydride, acetyl chloride, ammonia (anhydrous), ammonium hydroxide, benzyl chloride, dimethylsulfate, formaldehyde, formic acid, hydrogen chloride/hydrochloric acid, hydrobromic acid, hydriodic acid, hydroxylamine, methylamine, methylene chloride (dichloromethane, methylene dichloride), methyl methacrylate, nitroethane, oxalylchloride, perchloric acid, phenylmagnesium bromide, phosphine, phosphorus oxychloride, phosphorus pentoxide, sodium amide (sodamide), sodium metal, sodium hydroxide, sulfur trioxide, sulfuric acid, tetrahydrofuran, or thionyl chloride that increases or decreases the pH of a material and may cause degradation of the material.
14. "Delineated" means to determine the extent of a contaminant by sampling, testing, and showing the size and shape of the contaminant plume on a drawing.
15. "EPA" means the United States Environmental Protection Agency.
16. "EPA Method 8015B" means the EPA approved method for determining the concentration of various non-halogenated volatile organic compounds and semi-volatile organic compounds by gas chromatography/flame ionization detector.
17. "EPA Method 6010B" means the EPA approved method for determining the concentration of various heavy metals by inductively coupled plasma.
18. "EPA Method 8260B" means the EPA approved method for determining the concentration of various volatile organic compounds by GC/MS.
19. "Exposed" means open to the atmosphere and not covered by a non-porous material.
20. "Final Report" means the report required in ~~R4-30-305(R)~~ R4-30-305(D).
21. "FID" means flame ionization detector.
22. "Flammable" means vapor concentration from a liquid that has a flash point less than 100° F.
23. "GC/MS" means gas chromatograph/mass spectrometer.
24. "Hazardous chemical decontamination projects" means work or services related to the remediation, removal, or clean-up of hazardous chemicals, hazardous substances, petroleum substances, or other hazardous materials.
25. "Hazardous substance" means red phosphorous, iodine crystals, tincture of iodine, methamphetamine, ephedrine, pseudoephedrine, volatile organic compounds, corrosives, LSD, ecstasy, lead, mercury, and any other chemical used at a clandestine drug laboratory site to manufacture methamphetamine, LSD, or ecstasy.
26. "Hazardous waste" means toxic materials to be discarded as defined in 40 CFR 261.3, effective December 3, 2001, and 66 FR 60153, the provisions of which are incorporated by reference ~~and on file with the Secretary of State~~. This rule does not include any later amendments or editions of the incorporated matter. Copies of these provisions are available in the office of the Board of Technical Registration.
27. "HAZWOPER" means Hazardous Waste Operations Training as defined in 29 CFR 1910.120(e), effective November 7, 2002, and 67 FR 67964, the provisions of which are incorporated by reference ~~and on file with the Secretary of State~~. This rule does not include any later amendments or editions of the incorporated matter. Copies of these standards are available at the office of the Board of Technical Registration.
28. "HEPA" means high-efficiency particulate air.
29. "Highly suggestive of contamination" means visible or olfactory indication of contamination, or locations within 10 feet of areas where hazardous substances were stored or used to manufacture methamphetamine, LSD, or ecstasy and could likely be contaminated with hazardous substances, unless separated by a full-height, non-porous wall with no

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- openings.
30. "Impacted groundwater" means water present beneath ground surface that contains hazardous or petroleum substances at concentrations above background concentrations.
 31. "Impacted soil" means soil that contains hazardous or petroleum substances at concentrations above background concentrations.
 32. "Inaccessible" means unable to be reached without removal of a construction material or component.
 33. "LEL/O₂" means lower explosive limit/oxygen.
 34. "Laboratory detection limit" means the lowest concentration of a hazardous or petroleum substance that can be reliably quantified or measured by an analytical laboratory under ideal operating conditions for a particular test method on a sample.
 35. "Negative pressure enclosure" means an air-tight enclosure using a local exhaust and HEPA filtration system to maintain a lower air pressure in the work area than in any adjacent area and to generate a constant flow of air from the adjacent areas into the work area.
 36. "Non-porous" means resistant to penetration of hazardous substances or non-permeable substance or materials, such as concrete floors, wood floors, ceramic tile floors, vinyl tile floors, sheet vinyl floors, painted drywall or sheet rock walls or ceilings, doors, appliances, bathtubs, toilets, mirrors, windows, counter-tops, sinks, sealed wood, metal, glass, plastic, and pipes.
 37. "Personal protective equipment" means various types of clothing such as suits, gloves, hats, and boots, or apparatus such as face masks or respirators designed to prevent inhalation, skin contact, or ingestion of hazardous chemicals.
 38. "Personnel decontamination procedures" means procedures used to clean or remove potential contamination from personal protective equipment.
 39. "PID" means photo ionization detector.
 40. "Porous" means easily penetrated or permeated by hazardous substances or permeable substances or materials such as carpets, draperies, bedding, mattresses, fabric covered furniture, pillows, drop ceiling or other fiber-board ceiling panels, cork paneling, blankets, towels, clothing, and cardboard.
 41. "Properly disposed of" means to discard at a licensed facility in accordance with all applicable laws and not reused or sold, or metal recycled by giving or selling to a licensed recycling facility for scrap metal.
 42. "Remedial standard" or "remediation standard" means the level or concentration to be achieved by the drug laboratory site remediation firm as defined in R4-30-305(C)(2) ~~or and (C)(3) (4)~~.
 43. "Remediated" or "remediation" means treatment of the residually contaminated portion of the real property by a drug laboratory site remediation firm to reduce contaminant concentrations below the remedial standards.
 44. "Residual contamination" means contamination resulting from spills or releases of hazardous or petroleum substances.
 45. "Return air housing" means the main portion of an air ventilation system where air from the livable space returns to the air handling unit for heating or cooling.
 46. "Reusable" means not disposable or equipment that can be used more than one time for sampling after cleaning.
 47. "Sample location" means the actual place where an environmental sample was obtained.
 48. "Shoring plan" means a written description or drawing that shows the structural supports required to safely occupy the building during remediation.
 49. "Seepage pit" means a hole in the ground used to dispose of septic fluids.
 50. "Services" means the activities performed by the drug laboratory site remediation firm in the course of remediating residual contamination from the manufacturing of methamphetamine, ecstasy, or LSD, or from the storage of chemicals used in manufacturing methamphetamine, ecstasy, or LSD.
 51. "SRL" means the Arizona residential soil remediation levels contained in A.A.C. ~~R18-7-201, R18-7-210 and Appendices A and B, effective September 30, 2002, the provisions of which are incorporated by reference and on file with the Secretary of State. This rule does not include any later amendments or editions of the incorporated matter. Copies of this rule are available at the office of the Board of Technical Registration.~~
 52. "Temporary filter media" means a device used to filter or clean air.
 53. "Toxic" means hazardous substances that can cause local or systemic detrimental effects to people.
 54. "VOA" means volatile organic analyte.
 55. "VOCs" means volatile organic compounds or chemicals that can evaporate at ambient temperatures such as acetone, acetonitrile, aniline, benzene, benzaldehyde, benzyl chloride, carbon tetrachloride, chloroform, cyclohexanone, dioxane, ethanol, ethyl acetate, ethyl ether, Freon 11, hexane, isopropanol, methanol, methyl alcohol, methylene chloride, naphtha, nitroethane, petroleum ether, petroleum distillates, pyridine, toluene, o-toluidine, and any other volatile organic chemical used at the clandestine drug laboratory site to manufacture methamphetamine, LSD, or ecstasy.
 56. "Waste" means refuse, garbage, or other discarded material.

R4-30-122. Issuance of Subpoenas

Any party desiring the Board ~~or its hearing officers~~ to issue a subpoena shall make application, stating the substance of the tes-

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timony expected of the witness or the relevancy of the evidence to be produced. If the testimony or evidence appears to the Board ~~or its hearing officer~~ to be material and necessary, a subpoena shall be supplied. The affixing of the seal of the Board and the signature of the Chairman, Secretary, ~~or Executive Director, or administrative law judge~~ shall be sufficient attestation of the same. The party applying for the subpoena shall pay for service of the subpoena. A party is considered served at the time of personal service or mailing of the document by certified mail that is addressed to the person's last known address of record on file with the Board.

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-204. Examinations

- ~~A. An applicant with at least 72 but less than 96 months of required education and experience who wishes to sit for the professional examination for architecture, assaying, engineering, geology, landscape architecture, or land surveying shall submit an original and one copy of a completed application package for professional examination that contains the following: Board Review For Examination Equivalency: Applicants who wish to sit for professional examination who do not possess an educational degree recognized by the appropriate national council shall submit to the Board the following information for approval:~~
- ~~1. Name, residence address, mailing address if different from residence, and telephone number, of the applicant;~~
 - ~~2. Date of birth and ~~social security~~ Social Security number of the applicant;~~
 - ~~3. ~~Citizenship~~ Proof of citizenship or legal residence;~~
 - ~~4. Category, and branch of engineering if applicable, for which the applicant is seeking registration;~~
 - ~~5. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution the applicant attended;~~
 - ~~6. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended;~~
 - ~~7. Evidence of ~~72~~ at least 60 months of required education and/or experience in the category for which registration is sought.~~
 - ~~a. The name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought;~~
 - ~~b. ~~dates~~ Dates of employment;~~
 - ~~c. ~~applicant's~~ Applicant's title;~~
 - ~~d. ~~description~~ Description of work performed; and~~
 - ~~e. ~~number~~ Number of hours worked per week;~~
 - ~~8. Names and addresses of applicant's immediate supervisors in past and present employment in the category for which registration is sought. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;~~
 - ~~9. A release authorizing the Board to investigate the applicant's education and experience;~~
 - ~~10. Certificate of Experience Record and Reference Forms from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms from additional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board;~~
 - ~~11. Evidence of successful completion, or waiver by the Board, of the applicable in-training examination. An applicant who has successfully completed an in-training examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. ~~An applicant seeking professional registration as an architect, or landscape architect may take the in-training examination at the same time as the professional examination.~~ An applicant seeking professional registration as an assayer, engineer, geologist, or land surveyor shall pass the applicable in-training examination before admission to the professional examination;~~
 - ~~12. Certification that the information provided to the Board is accurate, true, and complete; and~~
 - ~~13. The applicable fees.~~
- ~~B. An applicant with at least 96 months of required education and experience who wishes to sit for the professional examination for architecture, assaying, engineering, geology, landscape architecture, or land surveying may submit a combined application for examination and registration that contains the information required in subsection (A) and R4-30-201, and shall pay the applicable fee.~~
- ~~C.B.~~ The Board staff shall review all applications and, if necessary, refer completed applications to an advisory committee for evaluation. If the application for examination is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible to take the examination, the Board staff or committee shall recommend that the Board certify the applicant as eligible to take the examination ~~or exempt from the~~

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~~examination requirement.~~ If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for examination, the Board staff shall make a further investigation of the applicant.

C. National Council Examinations:

1. Applicants for architect, landscape architect, engineer, geologist or land surveyor registration who wish to sit for a professional examination, and who have earned an educational degree recognized by the appropriate national council, may apply directly to the applicable national council to take that exam.
2. Applicants not possessing the appropriate degree may apply to the Board for examination approval and after Board review, may be recommended to the appropriate national council for entry into the applicable national examination. Applicants must meet all national council requirements for successful completion of applicable examinations.
3. An applicant for professional examination in any category must take the examination within one year after receiving approval. If an applicant fails to take an examination within one year after receiving approval, the applicant must submit a new application for professional examination to the Board.
- ~~F.4.~~ An applicant except for a home inspector applicant, who has failed any division of a national multi-divisional examination shall be required to meet the applicable national council's requirements for successful completion of the examination, re-examined only on the division(s) failed. The applicant shall submit a new application for examination, and retake and pass any division of the examination, except the in-training examination, with results that are five or more years old.
- ~~I.5.~~ Examinations administered by a national council of which the Board is a member, or a professional association approved by the Board, shall be given at the times and places determined by the testing agency. Once approved to sit for a non-Board-administered examination, the applicant shall communicate all questions and concerns regarding extensions, additional time, special accommodation, re-examination, exam review and refunds to the applicable testing agency. The Board shall not refund any examination fee paid to a testing agency.

D. Board Administered Examinations:

- ~~D.1.~~ An examination administered by the Board shall be given at the times and places determined by the Board. Once the Board approves an applicant to sit for a Board-administered examination, the applicant shall communicate all questions and concerns regarding extensions, special accommodations and refunds to the Board. The applicant shall make any request for additional time or other special examination accommodation to the Board within a reasonable time before the examination date.
- ~~E.2.~~ An applicant who fails to achieve a passing grade on any division of any examination administered by the Board may request re-examination by notifying the Board in writing of the applicant's desire to re-take the examination and paying the applicable examination fee. An applicant who re-takes any examination shall advise the Board of any changes in the information provided under subsection (A) of this Section and R4-30-202(B) within 30 days from the date of the change. The Board shall close an applicant's file if the Board does not receive written confirmation from the applicant of the applicant's desire to re-take the Board-administered examination within one year from the request for re-examination. An applicant whose file has been closed and who later wishes to apply for examination shall submit a new examination application package to the Board.
- ~~G.3.~~ An applicant for a Board-administered examination who wishes to review the applicant's examination scores shall file a written request with the Board within 30 days after receiving notification of the failing grade. The applicant may review an examination by making prior arrangements with the staff and paying the applicable fee. The applicant shall complete any review within 60 days of the request for a review. In reviewing multiple choice questions, an applicant may review only those questions that were incorrect.
- ~~H.4.~~ An applicant who desires a re-grade of an a board administered examination and, where applicable, has exhausted all remedies for re-grading with the applicable testing agency, shall file a written request with the Board within 30 days after receiving notification of the failing grade or within 30 days after reviewing the examination, whichever is applicable, and pay the applicable fee. The applicant shall identify the questions to be reviewed. The applicant shall state why a review of the item is justified. The applicant shall provide specific facts, data, and references to support any assertion that the solution deserves more credit. The Board shall determine whether it will re-grade the examination.
- ~~J.5.~~ The Board shall deny close an application for registration examination as a architect, assayer, engineer, geologist, landscape architect, or land surveyor if the applicant fails to pass all divisions of the applicable examination within five years after first taking passing any division of the examination unless the Board approves an extension.
6. If an applicant for professional examination fails to take the examination within five years from the examination approval date, the Board shall close the application. The applicant will have to submit a new application to take the applicable examination to the Board.

R4-30-212. Architect-in-training Designation

- A. To qualify for admission to the ~~in-training examination~~ Architect Registration Examination solely on the basis of education, an applicant shall be a graduate of a five-year architectural degree program accredited at the time of graduation by the National Architectural Accrediting Board (NAAB).

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- B. To qualify for admission to the ~~in-training examination~~, Architect Registration Examination, an applicant who is not a graduate of a five-year NAAB-accredited degree program shall have at least five years of education or experience or both directly related to the practice of architecture. Experience directly related to the practice of architecture of a character satisfactory to the Board includes but is not limited to the following:
1. Consultation: The active involvement in meetings, discussions, or the development of reports intended to provide information, facts or advice for the purpose of planning, designing or locating buildings, structures, alterations or construction projects.
 2. Evaluation: The analysis of client's requirements involving space relations, expansion needs, site requirements and flexibility, which serves as a basis for the development of appropriate design objectives.
 3. Site design: Design experience including the utilization of land, placement of structures, form relationships, traffic patterns, parking facilities and utility systems based upon an analysis of surface and subsurface conditions, ecological requirements and the requirements imposed by law.
 4. Building design: Design experience including the preparation of architectural, structural and interior drawings and the development of specifications, and the selection and layout of building systems involving structural, mechanical, electrical, civil and interior considerations.
 5. Construction review: The review or supervision of construction to ensure conformance with architectural or contract specifications or requirements (maximum 12 months' credit).
 6. Administration: Administrative experience including office and field administration, field testing, quotation requests, change orders, cost accounting and project closeouts (maximum 12 months' credit).
 7. Editing or writing: The editing or writing for publication of articles, books, newsletters or other written materials on architectural subjects (maximum six months' credit).
 8. Subprofessional experience: As defined in rule R4-30-101 (maximum six months' credit).
- C. An applicant shall successfully complete the ~~architect-in-training examination~~ Architect Registration Examination designated by the Board and provided by the National Council of Architectural Registration Boards.

R4-30-214. Architect Registration

- A. An applicant shall provide evidence of successful completion of the National Council of Architectural Registration Boards (NCARB) ~~Internship Intern~~ Development Program (IDP) training requirement, ~~or diverse work experience substantially equal to that program that is of a character acceptable to the Board, and which includes, but is not limited to,~~ each of the following areas. The total minimum experience shall not be less than 4,680 hours and not less than the minimum hour totals for each activity shown below:

~~Activity Minimum Hour Totals:~~

- ~~1. Programming 80~~
- ~~2. Site and Environmental Analysis 80~~
- ~~3. Schematic Design 120~~
- ~~4. Engineering Systems Coordination 120~~
- ~~5. Building Cost Analysis 80~~
- ~~6. Code Research 120~~
- ~~7. Design Development 320~~
- ~~8. Construction Documents 080~~
- ~~9. Specifications and Material Research 120~~
- ~~10. Document Checking and Coordination 80~~
- ~~11. Bidding and Contract Negotiation 80~~
- ~~12. Construction Phase Office 80~~
- ~~13. Construction Phase Field Observation 120~~
- ~~14. Project Management 120~~
- ~~15. Office Management 80~~

- B. An applicant shall successfully complete the professional architect examination designated by the Board and provided by the National Council of Architectural Registration Boards.

R4-30-271. ~~On-site~~ Onsite Supervisor Certification and Renewal

- A. An applicant for ~~on-site~~ onsite supervisor certification shall submit an original and one copy of a completed application package ~~containing that contains~~ the following:
1. Name, residence address, mailing address if different from residence address, and telephone number;
 2. Date of birth and ~~social security~~ Social Security number of the applicant;
 3. ~~Citizenship~~ Proof of citizenship or legal residence;
 4. State or jurisdiction in which any other professional or occupational certification, registration, or license is held by the applicant, type of certification, registration, or license, number, and year granted;
 5. ~~The name~~ Name of the state or jurisdiction, the type of professional or occupational certification, registration, or

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license the applicant is seeking, and the status of any professional or occupational certification, registration, or license application pending in any state or jurisdiction;

6. A detailed explanatory statement, regarding:
 - a. ~~Refusal~~ Denial of professional or occupational certification, registration, or license by any state or jurisdiction;
 - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
 - c. Any alias or other name used by the applicant;
 - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
 - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational registration, certification, or license held by the applicant in any state or jurisdiction.
7. Certification that the information provided to the Board is accurate, true, and complete;
8. A copy of a current 40-hour HAZWOPER training certificate or a copy of a current ~~8-hour~~ eight-hour HAZWOPER refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
9. Documentation of 12 months or more of ~~on-site~~ onsite experience in hazardous chemical decontamination projects and a copy of a HAZWOPER certificate that shows the applicant held valid HAZWOPER certification during the 12 months of experience;
10. Documentation of current AHERA contractor or supervisor certification or a copy of a current AHERA refresher certificate and a copy of an AHERA contractor or supervisor training certificate;
11. Documentation of successful completion of a lead training course that meets the requirements of 29 CFR 1926.62(l), effective January 8, 1998, 63 FR 1296, the provisions of which are incorporated by reference ~~and on file with the Secretary of State~~, copies of which are available at the office of the Board of Technical Registration;
12. Documentation of successful completion of an eight-hour training course approved by the Board that encompasses the following:
 - a. Clandestine drug laboratory site remediation best standards and practices contained in R4-30-305;
 - b. Chemical and physical hazards of a clandestine drug laboratory;
 - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
 - d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;
 - e. Potential sharps and biohazards at a clandestine drug laboratory;
 - f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and
 - g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;
13. Documentation of successful completion of an eight-hour training course approved by the Board that encompasses the following:
 - a. Hazardous and precautionary measures for initial entry into a clandestine drug laboratory site;
 - b. Assessing residual contamination;
 - c. Preparing the work plans for remediation of a clandestine drug laboratory;
 - d. Assessing structural stability for safe entry into a clandestine drug laboratory site;
 - e. Characterizing waste from the remediation of a clandestine drug laboratory; and
 - f. Preparing final reports on the remediation of the clandestine drug laboratory;
- ~~12-14.~~ A signed release authorizing the Board to investigate the applicant's education, experience, and good moral character and repute; and
- ~~13-15.~~ The applicable fee.

B. Beginning September 30, 2003, an An applicant for renewal of ~~on-site~~ onsite supervisor certification shall submit an application package that contains:

1. A completed renewal application form provided by the Board, signed and dated by the registrant that provides the information contained in subsections (A)(1), (2), (6), and (7);
2. A copy of the registrant's current ~~8-hour~~ eight-hour HAZWOPER refresher certificate;
3. A copy of the registrant's current AHERA refresher certificate;
4. ~~For the first annual renewal, documentation of successful completion of an 8-hour training course approved by the Board that encompasses the following:~~
 - a. ~~Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4-30-305;~~
 - b. ~~Chemical and physical hazards of a clandestine drug laboratory;~~
 - c. ~~Typical manufacturing methods for methamphetamine, LSD, and ecstasy;~~
 - d. ~~Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;~~
 - e. ~~Potential sharps and biohazards at a clandestine drug laboratory;~~
 - f. ~~Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and~~
 - g. ~~Other potential hazards or dangers that can be associated with a clandestine drug laboratory;~~
5. ~~For the first annual renewal, documentation of successful completion of an 8-hour training course approved by the Board that encompasses the following:~~
 - a. ~~Hazardous and precautionary measures for initial entry into a clandestine drug laboratory site;~~

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- b. ~~Assessment of residual contamination;~~
- e. ~~Preparation of the work plans for remediation of a clandestine drug laboratory;~~
- d. ~~Assessment of the structural stability for safe entry into a clandestine drug laboratory site;~~
- e. ~~Characterizing waste from the remediation of a clandestine drug laboratory; and~~
- f. ~~Preparing final reports on the remediation of the clandestine drug laboratory;~~
- 6.4. ~~For the second and all subsequent annual renewals, documentation~~ Documentation of successful completion of a 2-hour ~~two-hour~~ refresher training course approved by the Board that encompasses the following:
 - a. ~~Clandestine Drug Laboratory Site Remediation Best Standards and Practices~~ drug laboratory site remediation best standards and practices contained in R4-30-305;
 - b. Hazardous and precautionary measures for initial entry into a clandestine drug laboratory site;
 - c. Preparation of the work ~~plans~~ plan for remediation of a clandestine drug laboratory;
 - d. Assessment of the structural stability for safe entry into a clandestine drug laboratory site;
 - e. Characterizing waste from the remediation of a clandestine drug laboratory; and
 - f. Preparing ~~the final reports~~ report on the remediation of the clandestine drug laboratory;

7.5. The applicable fee.

- C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require ~~a~~ an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

R4-30-272. ~~On-Site~~ Onsite Worker Certification and Renewal

- A. An applicant for ~~on-site~~ onsite worker certification shall submit an original and one copy of a completed application package ~~containing that contains~~ the following:
- 1. Name, residence address, mailing address if different from residence address, and telephone number;
 - 2. Date of birth and ~~social security~~ Social Security number of the applicant;
 - 3. ~~Citizenship~~ Proof of citizenship or legal residence;
 - 4. State or jurisdiction in which any professional or occupational certification, registration, or license is held by the applicant, type of certification, registration, or license, number, and year granted;
 - 5. Name of the state or jurisdiction, the type of professional or occupational certification, registration, or license the applicant is seeking, and the status of any professional or occupational application pending in any state or jurisdiction;
 - 6. A detailed explanatory statement regarding:
 - a. Any ~~refusal~~ denial of professional or occupational certification, registration, or license by any state or jurisdiction;
 - b. Any pending disciplinary action in any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant;
 - c. Any alias or other name used by the applicant;
 - d. Any conviction for a felony or misdemeanor, other than a minor traffic violation; and
 - e. Any disciplinary action taken by any state or jurisdiction on any professional or occupational certification, registration, or license held by the applicant in any state or jurisdiction;
 - 7. Certification that the information provided to the Board is accurate, true, and complete;
 - 8. Copy of a current 40-hour HAZWOPER training certificate or copy of a current ~~8-hour~~ eight-hour HAZWOPER refresher certificate and a copy of a 40-hour HAZWOPER training certificate;
 - 9. Documentation of successful completion of an eight-hour training course approved by the Board that encompasses the following:
 - a. Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4-30-305;
 - b. Chemical and physical hazards of a clandestine drug laboratory;
 - c. Typical manufacturing methods for methamphetamine, LSD, and ecstasy;
 - d. Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;
 - e. Potential sharps and biohazards at a clandestine drug laboratory;
 - f. Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and
 - g. Other potential hazards or dangers that can be associated with a clandestine drug laboratory;
 - 9-10. A signed release authorizing the Board to investigate the applicant's education, experience, and moral character and repute; and
 - 10-11. The applicable fee.

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- B. ~~Effective September 30, 2003, An~~ applicant for renewal of ~~on-site~~ onsite worker registration certification shall submit an application package that contains:
1. A completed renewal application form provided by the Board, signed and dated by the applicant that provides the information contained in subsections (A)(1), (2), (6) and (7);
 2. A copy of the applicant's current ~~8-hour~~ eight-hour HAZWOPER refresher certificate;
 3. ~~For the first annual renewal, documentation of successful completion of an 8 hour training course approved by the Board that encompasses the following:~~
 - a. ~~Clandestine Drug Laboratory Site Remediation Best Standards and Practices contained in R4-30-305;~~
 - b. ~~Chemical and physical hazards of a clandestine drug laboratory;~~
 - c. ~~Typical manufacturing methods for methamphetamine, LSD, and ecstasy;~~
 - d. ~~Typical flammable, combustible, corrosive, and reactive materials used in a clandestine drug laboratory;~~
 - e. ~~Potential sharps and biohazards at a clandestine drug laboratory;~~
 - f. ~~Proper handling and disposal of wastes from the remediation of a clandestine drug laboratory; and~~
 - g. ~~Other potential hazards or dangers that can be associated with a clandestine drug laboratory;~~
 4. ~~The applicable fee.~~
- C. The Board staff shall review all applications and, if necessary, refer completed applications to the Environmental Remediation Rules and Standards Committee for evaluation. If the application is complete and in the proper form, and the Board staff or committee is satisfied that all statements on the application are true and the applicant is eligible in all other respects to be certified, the Board staff or committee shall recommend that the Board certify the applicant. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true, the Board staff shall make a further investigation of the applicant. The Board staff or committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for certification.

ARTICLE 3. REGULATORY PROVISIONS

R4-30-301. Rules of Professional Conduct

All registrants shall comply with the following rules of professional conduct:

1. A registrant shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration or certification, or in response to a subpoena.
2. A registrant shall not engage in fraud, deceit, misrepresentation or concealment of material facts in advertising, soliciting, or providing professional services to members of the public.
3. A registrant shall not commit bribery of a public servant as proscribed in A.R.S. § 13-2602, commit commercial bribery as proscribed in A.R.S. § 13-2605, or violate any federal statute concerning bribery.
4. A registrant shall comply with state, municipal, and county laws, codes, ordinances, and regulations pertaining to the registrant's area of practice.
5. A registrant shall not violate any state or federal criminal statute involving dishonesty, fraud, misrepresentation, embezzlement, theft, forgery, perjury, bribery, or breach of fiduciary duty, if the violation is reasonably related to the registrant's area of practice.
6. A registrant shall apply the technical knowledge and skill that would be applied by other qualified registrants who practice the same profession in the same area and at the same time.
7. A registrant shall not accept an engagement if the duty to a client or the public would conflict with the registrant's personal interest or the interest of another client without making a full written disclosure of all material facts of the conflict to each person who might be related to or affected by the engagement.
8. A registrant shall not accept compensation for services related to the same engagement from more than one party without making a full written disclosure of all material facts to all parties and obtaining the express written consent of all parties involved.
9. A registrant shall make full disclosure to all parties concerning:
 - a. Any transaction involving payments to any person for the purpose of securing a contract, assignment, or engagement, except payments for actual and substantial technical assistance in preparing the proposal; or
 - b. Any monetary, financial, or beneficial interest the registrant holds in a contracting firm or other entity providing goods or services, other than the registrant's professional services, to a project or engagement.
10. A registrant shall not solicit, receive, or accept compensation from material, equipment, or other product or services suppliers for specifying or endorsing their products, goods or services to any client or other person without full written disclosure to all parties.
11. If a registrant's professional judgment is overruled or not adhered to under circumstances where a serious threat to the public health, safety, or welfare may result, the registrant shall immediately notify the responsible party, appropriate building official, or agency, and the Board of the specific nature of the public threat.
12. If called upon or employed as an arbitrator to interpret contracts, to judge contract performance, or to perform any

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- other arbitration duties, the registrant shall render decisions impartially and without bias to any party.
13. To the extent applicable to the professional engagement, a registrant shall conduct a land survey engagement in accordance with the April 12, 2001 Arizona Professional Land Surveyors Association (APLS) Arizona Boundary Survey Minimum Standards, as adopted by the Board on June 15, 2001, the provisions of which are incorporated in this subsection by reference ~~and on file with the Office of the Secretary of State~~. This incorporation by reference does not include any later amendments or editions and is available at the Board's office ~~and APLS at www.aia.org~~.
 14. A registrant shall comply with any subpoena issued by the Board or its designated administrative law judge.
 15. A registrant shall update the registrant's address and telephone number of record with the Board within 30 days of the date of any change.
 16. A registrant shall not sign, stamp, or seal any professional documents not prepared by the registrant or a bona fide employee of the registrant.
 17. Except as provided below and in subsections (18) and (19), a registrant shall not accept any professional engagement or assignment outside the registrant's professional registration category unless:
 - a. The registrant is qualified by education, technical knowledge, or experience to perform the work; and
 - b. The work is exempt under A.R.S. § 32-143.
 18. A registered professional engineer may accept professional engagements or assignments in branches of engineering other than that branch in which the registrant has demonstrated proficiency by registration but only if the registrant has the education, technical knowledge, or experience to perform such engagements or assignments.
 19. Except as otherwise provided by law, a registrant may act as the prime professional for a given project and select collaborating professionals; however, the registrant shall perform only those professional services for which the registrant is qualified by registration to perform and shall seal and sign only the work prepared by the registrant or by the registrant's bona fide employee.
 20. A registrant who is designated as a responsible registrant shall be responsible for the firm or corporation. The Board may impose disciplinary action on the responsible registrant for any violation of Board statutes or rules that is committed by a non-registrant employee, firm, or corporation.
 21. A registrant shall not enter into a contract for expert witness services on a contingency fee basis or any other arrangement in a disputed matter where the registrant's fee is directly related to the outcome of the dispute.

R4-30-305. Drug Laboratory Site Remediation Best Standards and Practices

A. Preliminary procedures.

1. The onsite supervisor shall determine the nature and extent of damage and contamination of the residually contaminated portion of the real property ~~shall be determined~~.
2. The ~~on-site~~ onsite supervisor shall request a copy of any document ~~copies of from a any~~ law enforcement agency, state agency, or other ~~report reporting~~ agency regarding the nature and extent of illegal drug activity, evidence of what materials were removed from the real property, ~~and the location from which they were removed, and the area posted by the notice of removal.~~
3. The ~~on-site~~ onsite supervisor shall:
 - a. Evaluate all information obtained regarding the nature and extent of damage and contamination;
 - b. Develop procedures to safely enter the residually contaminated portion of the real property in order to conduct a visual assessment;
 - c. Wear the appropriate personal protective equipment for ~~the~~ all condition(s) assessed;
 - d. Visually inspect the residually contaminated portion of the real property; and
 - e. Be assisted by at least one ~~on-site~~ onsite worker during the initial entry into the residually contaminated portion of the real property.
4. The ~~on-site~~ onsite supervisor shall conduct and document appropriate testing for corrosive, flammable, combustible, and toxic atmospheres during the initial entry in the residually contaminated portion of the real property, such as using a LEL/O2 meter, pH paper, PID, FID, or equivalent equipment.
5. If the notice of removal posting is no longer present at the time of the initial entry by the drug laboratory site remediation firm, then the entire house, mobile home, recreational vehicle, detached garage or shed, hotel room, motel room or apartment unit shall be considered the residually contaminated portion of the real property.
- ~~5-6.~~ If there was a fire or explosion in the residually contaminated portion of the real property ~~which that~~ appears to have compromised its structural integrity, the drug laboratory site remediation firm shall obtain a structural assessment of the residually contaminated portion of the real property.
7. The owner may demolish and/or dispose of the residually contaminated portion of the real property rather than perform the remediation described in subsection (B).
- ~~6-8.~~ The drug laboratory site remediation firm shall prepare a written work plan that contains:
 - a. Complete identifying information of the real property, such as:
 - i. ~~street~~ Street address, mailing address, owner of record, legal description, county tax or parcel identification number, or vehicle identification number if a mobile home or recreational vehicle;

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- ii. ~~registration~~ Registration number of the drug laboratory site remediation firm, name and certification number of the ~~on-site onsite~~ supervisor and ~~on-site onsite~~ workers ~~that who~~ will be performing remediation services on the residually contaminated portion of the real property;
 - b. Copies of the current certification of the ~~on-site onsite~~ supervisor and ~~on-site onsite~~ workers that will be performing remediation services on the residually contaminated portion of the real property;
 - c. Photographs or drawings, and a written description of the residually contaminated portion of the real property that depicts the location and type of any residual contamination;
 - d. A description of the personal protective equipment to be used at the residually contaminated portion of the real property;
 - e. The health and safety procedures that will be followed in performing the remediation of the residually contaminated portion of the real property;
 - f. A list of emergency contacts and telephone numbers;
 - g. The route and location of the nearest hospital with emergency service facilities;
 - h. A detailed summary of the work to be performed by the drug laboratory site remediation firm including:
 - i. Any pre-remediation sampling and testing of non-porous or porous materials;
 - ii. Any demolition work;
 - ~~i-iii.~~ Any and all materials or articles to be removed or cleaned;
 - ~~ii-iv.~~ All procedures to be employed to remove the residual contamination;
 - ~~iii.~~ All processes used to cover or encapsulate contaminants;
 - v. All procedures to be employed to evaluate plumbing, septic, sewer, and soil;
 - ~~iv-vi.~~ All procedures for decontamination or disposal of contaminated materials or demolition debris;
 - ~~v-vii.~~ All containment and negative pressure enclosure plans; and
 - ~~vi-viii.~~ Personnel decontamination procedures to be used;
 - i. The shoring plan, if an assessment of the structural integrity was conducted and it was determined that shoring was necessary; and
 - j. A complete list of the proposed post-decontamination testing of the residually contaminated portion of the real property and the ~~name(s) name of the individual(s) each individual~~ conducting the sampling, the independent Certified Industrial Hygienist, Certified Safety Professional, Arizona-registered geologist, or Arizona-registered engineer supervising the sampling, and the laboratory(ies) each laboratory performing the analytical testing.
- 7-9. The written work plan shall be:
- a. Approved in writing by the owner of the real property or the owner's agent;
 - b. Submitted to the ~~county health department of the county in which the property is located~~ State Board of Technical Registration; and
 - c. Retained by the drug laboratory site remediation firm for a minimum of three years.
- B. Remediation procedures for the residually contaminated portion of the real property.
- 1. All clandestine drug laboratory site remediation firms, ~~on-site onsite~~ supervisors, and ~~on-site onsite~~ workers shall comply with all applicable federal, state, municipal, and other local laws, rules, ordinances, and regulations during the remediation or demolition of the residually contaminated portion of the real property.
 - 2. An ~~on-site onsite~~ supervisor shall be present on the residually contaminated portion of the real property during the performance of remedial or demolition services including any pre-remediation and post-remediation sampling and testing.
 - 3. The ventilation system shall be turned off at the start of the remediation work and remain off until completion of the remediation work.
 - 4. The remediation or demolition work shall be conducted in a manner so that no other areas or items are contaminated as a result of the work. Do not store new or cleaned items in any areas requiring remediation.
 - 5. If the dwelling on the real property is connected to a septic system, then wash water from the remediation work shall not be disposed of in the septic system.
 - 6. If the dwelling has an attic or crawl space, then the onsite supervisor shall assess the attic or crawl space. If the attic or crawl space was not used for the manufacturing of drugs, the storage of drugs or chemicals, or the ventilation of manufacturing areas, and these areas will not be occupied, then the attic or crawl space does not require remediation.
 - 7. The residually contaminated portion of the real property shall be assessed for asbestos-containing materials prior to demolition. Any Freon-containing appliances, propane tanks, tires, or other hazardous materials shall be removed from the residually contaminated portion of the real property prior to any demolition activities. The preliminary procedures described in subsection (A) shall be followed prior to demolition activities to verify the removal of all chemicals from the residually contaminated portion of the real property and to assist with characterization of the demolition wastes. The procedures for evaluating plumbing, septic, sewer, and soil described in subsection (B)(14) shall be followed prior to demolition activities. Mobile homes, travel trailers, or other recreational vehicles may be transported to the landfill prior to demolition. The demolition work shall be conducted in a manner to prevent visible dust emissions from the work area that may impact persons on adjacent property. The demolition debris shall be prop-

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erly characterized prior to disposal as required in subsection (B)(15). After demolition, any remaining building components shall be remediated as described in subsection (B).

3-8. On-site ~~Onsite~~ workers or ~~on-site~~ onsite supervisors shall conduct the removal of the contamination from the residually contaminated portion of the real property, except for porous materials from areas not highly suggestive of contamination that may be cleaned by a dry cleaning or laundry service.

9. If pre-remediation sampling and testing are performed, non-porous materials and/or areas shall be sampled and tested using the personnel and procedures described in subsection (C) prior to any remediation services. If the non-porous materials and/or areas meet the post-remediation clearance levels described in subsections (C)(2) and (4), then no removal or cleaning of these non-porous materials and/or areas is required. If pre-remediation sampling and testing are performed, porous materials and/or areas shall be sampled and tested using the personnel and procedures described in subsection (C) prior to any remediation services. If the porous materials and/or areas meet the post-remediation clearance levels described in subsections (C)(2) and (4), then no removal or cleaning of these porous materials and/or areas is required. If pre-remediation sampling and testing are performed to evaluate whether remediation is required, the pre-remediation sampling and testing shall include an evaluation of plumbing, septic, sewer, and soil described in subsection (B)(14).

4-10. Procedures for areas highly suggestive of contamination:

a. All porous materials, such as carpets, draperies, bedding, fabric covered furniture, drop ceilings, clothing, and related items, that were present in the area highly suggestive of contamination at the time of the initial notice of removal (A.R.S. § 12-1000) shall be removed and properly disposed of. All items to be removed and disposed of shall be defaced or destroyed to prevent future re-use of the items.

b. All porous materials, such as carpets, draperies, bedding, fabric covered furniture, clothing, and related items, that were moved into the area highly suggestive of contamination after the time of the initial notice of removal (A.R.S. § 12-1000) shall be removed and properly disposed of, except porous drop ceilings, which shall be HEPA vacuumed and left in place. At the owner's discretion, all or some porous materials with no evidence of staining may be cleaned by HEPA vacuuming and one of the following methods:

i. Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous material by a wet vacuum.

ii. Chemical dry cleaning: Porous materials that cannot be washed with detergent and water shall be dry cleaned using a liquid solvent dry cleaning solution in a dry cleaning machine for at least 15 minutes.

iii. Detergent and water solution: Porous materials shall be washed with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water.

iv. If any porous materials are removed from the real property for cleaning, the materials shall be HEPA vacuumed, and the cleaning facility shall be notified in writing, by the drug laboratory site remediation firm, that the materials being cleaned are from a clandestine drug laboratory.

~~b-c.~~ All stained materials from the laboratory operations including wall board (sheet rock), wood furniture, wood flooring, and tile flooring shall be removed and properly disposed of, unless the owner requests cleaning and testing to meet the post remediation clearance levels contained in subsections (C)(2) and ~~(C)(3)~~ (4) ~~of this rule~~. If cleaned, the materials shall be washed with a detergent and water solution and then thoroughly rinsed. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.

~~e-d.~~ All non-porous surfaces, such as bathtubs, toilets, mirrors, windows, ~~tile flooring~~ floors, walls, ceilings, doors, appliances, counter-tops, and sinks, and non-fabric furniture may be cleaned to the point of stain removal and left in place or removed and properly disposed of. If cleaned, these surfaces shall be washed with a detergent and water solution and then thoroughly rinsed. This procedure shall be repeated at least two additional times using new detergent solution and rinse water.

~~d-e.~~ All exposed concrete surfaces shall be thoroughly washed with a detergent and water solution and then thoroughly rinsed, or may be removed and properly disposed of. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water; and

~~e-f.~~ All appliances shall be removed and properly disposed of, unless the owner requests cleaning and testing to meet the post-remediation clearance levels contained in subsections (C)(2) and ~~(C)(4)~~ of ~~this rule~~ (4). If cleaned, the appliances shall be washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.

5-11. Procedures for areas not highly suggestive of contamination.

a. All porous materials, such as carpets, draperies, bedding, fabric covered furniture, clothing, and related items shall be removed and properly disposed of, except ~~for~~ porous drop ceilings, which shall be HEPA vacuumed and left in place. At the owner's discretion, all or some porous materials with no evidence of staining may be cleaned by HEPA vacuuming and one of the following methods:

i. Steam cleaning: Hot water and detergent shall be injected into the porous materials under pressure to agitate and loosen any contamination. The water and detergent solution shall then be extracted from the porous

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- material by a wet vacuum.
 - ii. Chemical dry cleaning: Porous materials that cannot be washed with detergent and water shall be dry cleaned using a liquid solvent dry cleaning solution in a dry cleaning machine for at least 15 minutes.
 - iii. Detergent and water solution: Porous materials shall be washed with detergent and water for at least 15 minutes. The porous materials shall be rinsed with water.
 - iv. If any porous materials are removed from the real property for cleaning, the materials shall be HEPA vacuumed, and the cleaning facility shall be notified in writing, by the drug laboratory site remediation firm, that the materials being cleaned are from a clandestine drug laboratory.
 - b. All non-porous surfaces, such as bathrooms, toilets, floors, countertops, sinks, walls, ceilings, mirrors, windows, doors, appliances, and non-fabric furniture, shall be thoroughly HEPA vacuumed and washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using a new detergent solution and rinse water.
 - c. Doors or other openings to areas with no visible contamination shall be cordoned off from all other areas with at least 4-mil plastic sheeting after being cleaned, to avoid re-contamination during further remediation of the residually contaminated portion of the real property.
 - d. Spray-on acoustical ceilings shall be left undisturbed, and shall be sampled and tested for asbestos, and for residual contamination to determine whether ceilings meet the post-remediation clearance levels contained in subsections (C)(2) and ~~(C)(3)~~ (4). If the post-remediation clearance levels are exceeded, these materials shall be properly removed and properly disposed of.
 - e. All exposed concrete surfaces shall be thoroughly washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
- ~~6-12.~~ Structural Integrity and Security Procedures. If, as a result of the remediation, the structural integrity or security of the real property is compromised, the drug laboratory site remediation firm shall contact a qualified, registered professional to conduct a structural assessment and recommend appropriate corrective action for take measures to remedy the structural integrity or security of the real property.
- ~~7-13.~~ Ventilation Cleaning Procedures.
- a. The ventilation system shall be turned off at the start of the remediation work and remain off until completion of the remediation work.
 - ~~a-b.~~ Air registers shall be removed and washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - ~~b-c.~~ Temporary filter media shall be attached to air register openings.
 - ~~e-d.~~ A fan-powered HEPA filter collection machine shall be connected to the ductwork to develop negative air pressure in the ductwork.
 - ~~d-e.~~ Air lances, mechanical agitators, or rotary brushes shall be inserted into the ducts through the air register openings to loosen all dirt, dust and other loose materials.
 - ~~e-f.~~ The air handler unit, including the return air housing, coils, ~~fan(s)~~ each fan, ~~system(s)~~ each system, and each drip pan, shall be washed with a detergent and water solution and then thoroughly rinsed. This cleaning procedure shall be repeated at least two additional times using new detergent solution and rinse water.
 - ~~f-g.~~ All porous linings or filters in the ventilation system shall be removed and properly disposed of.
 - ~~g-h.~~ The ventilation system shall be sealed off at all openings with at least 4-mil plastic sheeting to prevent recontamination until the residually contaminated portion of the real property meets the post-remediation clearance levels contained in subsections (C)(2) and ~~(C)(3)~~ (4).
- ~~8-14.~~ Procedures for Plumbing, Septic, Sewer, and Soil.
- a. All plumbing inlets to the septic ~~or~~ sewer system, including but not limited to sinks, floor drains, ~~bathrooms~~ bathrooms, showers, and toilets, shall be visually assessed for any staining or other visible residual contamination. All plumbing traps shall be assessed for VOC concentrations with a PID or FID, and for mercury vapors, ~~by~~ using a mercury vapor analyzer. If VOC concentrations or mercury vapor concentrations exceed the post-remediation clearance levels contained in subsections (C)(2) and ~~(C)(3)~~ (4), the accessible plumbing and traps where the excess levels are found shall be removed and properly disposed of, or shall be cleaned and tested to meet the post-remediation clearance levels contained in R4-30-305(C)(2) and ~~(C)(3)~~ (4).
 - b. The ~~on-site~~ onsite supervisor shall determine if whether the dwelling is connected to a local sewer system or to an ~~on-site~~ onsite septic system. If the dwelling is connected to an ~~on-site~~ onsite septic system, wash water from the remediation work shall not be disposed of in the septic system, and a sample of the septic tank liquids shall be obtained and tested for VOC concentrations.
 - i. If VOCs are not found in the septic tank sample or are found at concentrations less than AWQS or less than 700 micrograms per liter (mg/l) for acetone, no additional work is required in the septic system area, unless requested by the owner of the real property.
 - ii. If VOCs are found in the septic tank at concentrations exceeding the AWQS or exceeding 700 mg/l for ace-

- tone, the following shall apply:
- (1) The discharge area, such as the leach field, seepage pit, ~~and~~ or evaporation mounds, shall be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer;
 - (2) The septic system discharge area shall be investigated for VOCs and, unless there is ~~clear~~ evidence that mercury or lead was not used in the manufacturing of methamphetamine, LSD or ecstasy at the clandestine drug laboratory, the septic system discharge area shall also be investigated for mercury and lead;
 - (3) The vertical extent of any VOCs, mercury, and lead detected in the soil samples shall be delineated to concentrations below laboratory detection limits or to background concentrations, and the horizontal extent of ~~the~~ any VOCs, mercury, and lead shall be delineated to concentrations below each compound's SRL;
 - (4) If any ~~of the~~ VOCs, mercury, or lead used by the clandestine drug laboratory migrated down to groundwater level, the extent of groundwater contamination shall ~~also~~ be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer and the vertical and horizontal extent of the groundwater contamination shall be delineated to concentrations below the AWQS or below 700 mg/l for acetone; and
 - (5) After complete characterization of ~~the~~ a release, the impacted soils shall be remediated to concentrations below the SRL or background concentrations, and any impacted groundwater shall be remediated to concentrations below the AWQS or below 700 mg/l for acetone.
- c. The ~~on-site~~ onsite supervisor shall observe the real property for evidence of burn areas, burn or trash pits, debris piles or stained areas. The ~~on-site~~ onsite supervisor shall test any burn areas, burn or trash pits, debris piles or stained areas with appropriate testing equipment, such as: a LEL/O₂ meter, pH paper, PID, FID, mercury vapor analyzer or equivalent equipment.
- i. If the burn areas, burn or trash pits, debris piles, or stained areas are not part of the residually contaminated portion of the real property, the drug laboratory site remediation firm shall recommend to the owner of the real property that these areas be investigated. If the owner advises the drug laboratory site remediation firm not to investigate these areas, the drug laboratory site remediation firm shall take appropriate action pursuant to ~~R4-30-304~~ R4-30-301(11).
 - ii. If the burn areas, burn or trash pits, debris piles or stained areas are part of the residually contaminated portion of the real property, these areas shall be investigated and remediated by the drug laboratory site remediation firm.
 - (1) Any wastes remaining from the operation of the clandestine drug laboratory or other wastes impacted by compounds used by the clandestine drug laboratory shall be characterized, removed, and properly disposed of.
 - (2) Any potentially impacted soil ~~and/or~~ or groundwater shall be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer.
 - (3) The burn areas, burn or trash pits, debris piles, or stained areas shall be investigated for the VOCs used by the drug laboratory. Unless there is ~~clear~~ evidence that mercury or lead was not used in the manufacturing of methamphetamine, LSD, or ecstasy at the clandestine drug laboratory, the burn areas, burn or trash pits, debris piles, or stained areas shall be investigated for lead and mercury.
 - (4) The vertical extent of any VOCs, lead, or mercury detected in the soil samples shall be delineated to concentrations below laboratory detection limits or to background concentrations. The horizontal extent of these compounds shall be delineated to concentrations below each compound's SRL.
 - (5) If any of the compounds used by the clandestine drug laboratory migrated down to groundwater level, the extent of groundwater contamination shall ~~also~~ be investigated under the direct supervision of an Arizona-registered geologist or an Arizona-registered engineer. The vertical and horizontal extent of the groundwater contamination shall be delineated to concentrations below the AWQS and below 700 mg/l for acetone.
 - (6) After complete characterization of ~~the~~ a release, the impacted soils shall be remediated to concentrations below the SRL or background concentrations, and any impacted groundwater shall be remediated to concentrations below the AWQS and below 700 mg/l for acetone.
- 9-15. Waste Characterization and Disposal Procedures.**
- a. All items removed from the clandestine drug laboratory remediation site, and waste generated during the remediation or demolition work, shall be ~~properly~~ characterized and ~~properly~~ disposed of. All items to be removed and disposed of shall be defaced or destroyed to prevent future re-use of the items.
 - b. All suspect asbestos-containing building materials shall be properly sampled and tested for asbestos prior to disturbance or removal.
 - c. All waste shall be ~~properly~~ characterized by sampling and testing, or the waste shall be considered hazardous waste and ~~properly~~ disposed of pursuant to ~~the~~ applicable law, except the waste shall not be deemed to be household hazardous waste.

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- d. The drug laboratory site remediation firm shall comply with all federal, state, municipal, county laws, codes, ordinances and regulations pertaining to waste transportation and disposal.

C. ~~Pre-remediation and Post Remediation~~ Post-remediation Testing Procedures.

1. ~~Post-remediation Remediation~~ sampling shall be conducted under the direct supervision of ~~a an independent~~ Certified Industrial Hygienist, ~~a~~ Certified Safety Professional, Arizona-registered geologist or ~~an~~ Arizona-registered engineer. The individual taking the samples ~~and the Certified Industrial Hygienist, Certified Safety Professional, Arizona-registered geologist, or Arizona-registered engineer directing the sampling~~ shall have experience with ~~the~~ remediation of hazardous substances, ~~with~~ confirmation sampling of remedial projects, and ~~with evaluating~~ evaluation of health risks and exposures to chemicals. All sampling used to verify that no additional removal or cleaning is required shall be conducted under the direct supervision of a Certified Industrial Hygienist, Certified Safety Professional, Arizona-registered geologist, or ~~an~~ Arizona-registered engineer. The drug laboratory site remediation firm and its employees shall not conduct the sampling and testing. All sample locations shall be photographed for documentation purposes, and these photographs shall be included in the final report.

2. ~~The drug laboratory site remediation firm shall conduct sampling~~ Sampling and testing shall be conducted for all of the compounds listed below. All ~~remediated~~ areas and materials shall meet the following remediation clearance levels:

Compound	Remediation Standard
Red Phosphorus	Removal of stained material or cleaned pursuant to these standards
Iodine Crystals	Removal of stained material or cleaned pursuant to these standards
Methamphetamine	0-1 1.5 µg Methamphetamine/100 cm ²
Ephedrine	0.1 µg Ephedrine/100 cm²
Pseudoephedrine	0.1 µg Pseudoephedrine/100 cm²
VOCs in Air	VOC air monitoring < 1 ppm
Corrosives	Surface pH of 6 to 8
LSD	0.1 µg LSD/100 cm ²
Ecstasy	0.1 µg Ecstasy/100 cm ²

3. If methamphetamine, ecstasy, or LSD is detected in the pre-remediation sampling and testing of porous materials and surfaces, then the porous materials shall be disposed of or cleaned as described in subsection (B).

- ~~3-4~~ The drug laboratory site remediation firm shall conduct sampling and testing for all of the metals listed below in all cases except where there is ~~clear~~ evidence that these metals were not used in the manufacturing of methamphetamine, LSD, or ecstasy at the drug laboratory:

Compound Remediation Standard

Lead 4.3 µg Lead/100 cm²

Mercury 3.0 µg Mercury/m³ air

- ~~4-5~~ All sampling and testing shall be conducted in accordance with the following procedures:

- All sample locations shall be photographed, and the photographs shall be included in the final report.
- All sample locations shall also be shown on a floor plan of the residually contaminated portion of the real property, and the floor plan shall be included in the final report.
- All samples shall be obtained from areas representative of the materials or surfaces being tested. All samples shall be obtained, preserved, and handled in accordance with industry standards for the types of samples and analytical testing to be conducted and maintained under chain-of-custody protocol.
- The individual conducting the sampling shall wear a new pair of gloves to obtain each sample.
- All reusable sampling equipment shall be decontaminated prior to sampling.
- All testing equipment shall be properly equipped and calibrated for the types of compounds to be analyzed.
- Methamphetamine, ~~ephedrine, pseudoephedrine,~~ ecstasy, ~~and/or or~~ LSD sampling and testing of non-porous materials and surfaces:
 - Whatman 40 ashless filter paper or an equivalent shall be used for all wipe sampling. The filter paper shall be wetted with analytical grade methanol or deionized water for the wipe sampling. The filter paper shall be blotted or wiped at least five times in two perpendicular directions within each sampling area. The same filter paper may be used for up to three wipe areas or a new filter paper may be used for each area, and the three filter papers combined for analytical testing.
 - Three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from each room of the residually contaminated portion of the real property. The three samples shall be obtained from the non-porous floor, one wall, and the ceiling in each room.
 - Three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from different areas of the ventilation system.
 - If there is a kitchen in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm²) shall be wipe sampled from a combination of the counter top, sink, or stove top, and from the floor in front of the stove top.
 - If there is a bathroom in the residually contaminated portion of the real property, three 10 cm x 10 cm areas

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- (100 cm²) shall be wipe sampled from a combination of the counter top, sink, toilet, and ~~the any shower/ or bath tub~~ bathtub.
- vi. If there are any cleaned appliances in the residually contaminated portion of the real property, one 10 cm x 10 cm area (100 cm²) shall be wipe sampled from the exposed portion of each appliance. If multiple appliances are present, each wipe sample may be a composite of up to three 100 cm² areas on three separate appliances.
 - vii. After sampling, the wipe sample shall be placed in a new clean sample jar and sealed with a teflon-lined lid. The sample jar shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample jar shall be placed in a cooler with ice until delivered to an analytical laboratory licensed in any state in the United States to perform GC/MS testing. The sample shall be analyzed for methamphetamine, ~~ephedrine, pseudoephedrine,~~ LSD, and/or ecstasy, depending upon the type of clandestine drug laboratory, using a GC/MS instrument, or equivalent.
- h. Methamphetamine, ecstasy, or LSD sampling and testing of porous materials and surfaces:
- i. Microvacuum sampling shall be conducted using a 37 mm microvac cassette equipped with a glass fiber filter and backup pad, a short piece of tygon tubing (1 to 2 inches) with one end cut at a 45 degree angle to be used as the "vacuum hose," and flexible tygon tubing to connect the pump to the filter. Connect the cassette with tygon tubing to a high volume sampling pump and calibrate the sampling pump, with a primary calibration standard, to a flow rate from 15 to 20 liters per minute.
 - ii. Select sampling areas of 10 cm x 10 cm (100 cm²). In general, visibly soiled, dusty, or heavily used areas are good choices for sampling. Three 10 cm x 10 cm areas (100 cm²) of carpet shall be microvacuum sampled from each room of the residually contaminated portion of the real property.
 - iii. If there are porous furniture, lamp shades, or other fixtures in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm²) of these materials shall be microvacuum sampled from each room where present. If multiple porous furnishings are present, the three sampled areas shall be taken from three separate furnishings.
 - iv. If there are porous wall coverings, curtains, shades, or paintings in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm²) of these materials shall be microvacuum sampled from each room where present. If multiple porous wall coverings are present, the three sampled areas shall be taken from three separate wall coverings.
 - v. If there are clothes, linens, or other porous materials in the residually contaminated portion of the real property, three 10 cm x 10 cm areas (100 cm²) of these materials shall be microvacuum sampled from each room where present. If multiple other porous materials are present, the three sampled areas shall be taken from three separate items.
 - vi. Perform the first vacuuming, one direction, side to side, from top to bottom. Use a slow sweeping motion. During the sampling of softer materials, press the angled tubing nozzle firmly onto the sampling surface to agitate particles. Perform a second vacuuming, one direction, top to bottom from side to side across the entire area. Use a slow sweeping motion. During the sampling of softer materials, press the angled tubing nozzle firmly onto the sampling surface to agitate particles. The same filter may be used for up to three vacuum areas, or a new filter may be used for each area, and the three filters combined for analytical testing.
 - vii. After sampling, immediately turn off the pump and remove the filter cassette from the inlet and outlet tubing sections, replace the cassette plugs and place the sample into a labeled, resealable plastic bag.
 - viii. If additional samples are being collected, remove and discard the short vacuum nozzle tubing. Place a clean vacuum nozzle on a new filter cassette to collect additional samples.
 - ix. After all sampling has been completed, the pump exterior should be decontaminated (wiped with a 10% bleach solution or equivalent). The collection tubing should also be discarded.
 - x. All sample cassette bags shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The samples shall be submitted to an analytical laboratory licensed in any state in the United States to perform GC/MS testing. The samples shall be analyzed for methamphetamine, LSD, and/or ecstasy, depending on the type of clandestine drug laboratory using a GC/MS instrument or equivalent.
- h.i. VOC sampling and testing procedures:
- i. A properly calibrated PID or FID capable of detecting VOCs shall be used for testing. The background concentration of VOCs shall be obtained by testing three exterior areas outside the limits of the residually contaminated portion of the real property and in areas with no known or suspected sources of VOCs. All VOC readings shall be recorded for each sample location.
 - ii. At least three locations in each room of the residually contaminated portion of the real property shall be tested for VOC readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading; and
 - iii. All accessible plumbing traps shall be tested for VOCs by holding the testing equipment probe in the plumb-

ing pipe above the trap for at least 60 seconds.

~~i-j.~~ pH testing procedures:

- i. Surface pH measurements shall be made using deionized water and pH test strips with a visual indication for a pH between ~~6 six~~ and ~~8 eight~~. The pH reading shall be recorded for each sample location.
- ii. For horizontal surfaces, deionized water shall be applied to the surface and allowed to stand for at least three minutes. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.
- iii. For vertical surfaces, a Whatman 40 ashless filter paper or equivalent filter paper shall be wetted with deionized water and wiped over a 10 cm x 10 cm area at least five times in two perpendicular directions. The filter paper shall then be placed into a clean sample container and covered with enough deionized water to cover the filter paper. The filter and water shall stand for at least three minutes prior to testing. The pH test strip shall then be placed in the water for a minimum of 30 seconds and read.
- iv. pH testing shall be conducted on at least three locations in each room within the areas with visible contamination and within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property.

~~j-k.~~ Lead Sampling and Testing Procedures:

- i. Unless there is ~~clear~~ evidence that lead was not used in the manufacturing of methamphetamine, LSD, or ecstasy at the clandestine drug laboratory, lead sampling shall be conducted as follows:
 - (1) Whatman 40 ashless filter paper or an equivalent shall be used for wipe sampling. The filter paper shall be wetted with analytical grade 3% nanograde nitric acid for the wipe sampling. The filter paper shall be blotted or wiped at least five times in two perpendicular directions within each sampling area. The same filter paper may be used for up to three wipe areas or a new filter paper may be used for each area and the three filter papers combined for analytical testing;
 - (2) Three 10 cm x 10 cm areas (100 cm²) shall be sampled in each room within the areas with visible contamination or within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property; and
 - (3) After sampling, the wipe sample shall be placed in a new clean sample jar and sealed with a teflon-lined lid. The sample jar shall be properly labeled with at least the site or project identification number, date, time, and actual sample location. The sample jar shall be placed in a cooler with ice until delivered to an Arizona-licensed analytical laboratory.
- ii. The sample shall be analyzed for lead using EPA Method 6010B or equivalent.

~~k-l.~~ Mercury Sampling and Testing Procedures:

- i. A properly calibrated mercury vapor analyzer shall be used for evaluating the remediated areas for the presence of mercury. All mercury readings shall be recorded for each sample location.
- ii. At least three locations in each room within the areas with visible contamination or within areas known to store or handle chemicals used for the clandestine drug laboratory in the residually contaminated portion of the real property shall be tested for mercury vapor readings. The testing equipment probe shall be held in the sample location for at least 30 seconds to obtain a reading.
- iii. All accessible plumbing traps shall be tested for mercury by holding the testing equipment probe in the plumbing pipe above the trap for at least 60 seconds.

~~l-m.~~ Septic Tank Sampling and Testing Procedures:

- i. The liquid in the septic tank shall be sampled with a new clean bailer or similar equipment.
- ii. The liquid shall be decanted or poured with minimal turbulence into three new VOA vials ~~properly~~ prepared by the laboratory.
- iii. The VOA vials shall be filled so that there are no air bubbles in the sealed container. If air bubbles are present, the vial must be emptied and refilled;
 - (1) The sample vials shall be properly labeled with at least the date, time, and sample location;
 - (2) The sample vials shall be placed in a cooler with ice until delivered to an Arizona-licensed analytical laboratory; and
 - (3) The sample shall be analyzed for acetone and methanol using EPA Method 8015B or an equivalent method.

D. Final report.

1. A final report shall be:
 - a. Prepared by the drug laboratory site remediation firm;
 - b. Submitted to the owner of the remediated property and the ~~county health department of the county in which the property is located~~ State Board of Technical Registration within 30 days after completion of the remediation services; and
 - c. Retained by the firm for a minimum of three years.
2. The final report shall include the following information and documentation:
 - a. Complete identifying information of the real property, such as street address, mailing address, owner of record,

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- legal description, county tax or parcel identification number, or vehicle identification number if a mobile home or recreational vehicle, registration number of the drug laboratory site remediation firm, name and certification number of the ~~on-site~~ onsite supervisor, and name and certification numbers of the ~~on-site~~ onsite workers that performed the remediation services on the residually contaminated portion of the real property;
- b. A summary of any pre-remediation sampling and testing and all post-remediation sampling and testing including the name and certification, registration, or license number of the Certified Industrial Hygienist, Certified Safety Professional, Arizona-registered geologist, or Arizona-registered engineer supervising the sampling and testing;
 - ~~b-c.~~ A summary of the remediation services completed on the residually contaminated portion of the real property, with any deviations from the approved work plan, including a list of the rooms, surfaces, materials, and articles cleaned, a list of the materials and articles removed and disposed of, and the procedures used to evaluate the plumbing, septic, sewer, and soil and to document the extent of the remediation services and any deviations from the approved work plan;
 - e-d. Photographs documenting the remediation services and showing each of the sample locations, and a drawing or sketch of the residually contaminated areas that depict the sample locations;
 - ~~d-e.~~ A copy of the sampling and testing results for VOCs and mercury, a copy of any asbestos sampling and testing results, a copy of the laboratory test results on all samples, and a copy of the chain-of-custody protocol documents for all samples from the residually contaminated portion of the real property;
 - e-f. A summary of the waste characterization work, and copies of any waste sampling and testing results; and transportation and disposal documents, including but not limited to, bills of lading, weight tickets, and manifests for all materials removed from the real property;
 - f-g. A summary of the ~~on-site~~ onsite supervisor's observation and testing of the real property for evidence of burn areas, burn or trash pits, debris piles, or stained areas;
 - ~~g-h.~~ A copy of any reports provided to the drug laboratory site remediation firm, ~~or~~ including:
 - i. A copy of any report prepared by the Certified Industrial Hygienist, Certified Safety Professional, Arizona-registered geologist, or Arizona-registered engineer; and
 - ii. A signed statement confirming that the sampling was conducted under direct supervision;
 - ~~h-i.~~ A statement that the residually contaminated portion of the real property has been remediated in accordance with R4-30-305 these standards; and
 - j. The total cost of any pre-remediation sampling and testing as described in subsection (B)(9), the total cost of all post-remediation sampling and testing as described in subsection (C) and the total cost of the remediation decontamination services as described in subsections (B)(9), (10), (12), (13), and (14);
3. Within 24 hours after the final report described in subsection ~~(D)(1) of this Article (D)~~ has been prepared, the drug laboratory site remediation firm shall deliver, or send by certified mail, a copy of the complete and final report to ~~those individuals and entities identified in A.R.S. § 12-1000(A)(2), the State Board of Technical Registration. The drug laboratory site remediation firm shall also deliver or send~~ a separate document to all other individuals and entities stating that the residually contaminated portion of the real property has been remediated pursuant to A.R.S. § 12-1000(D).

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

Editor's Note: The following Notice of Proposed Rulemaking was exempt from Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 113.)

[R11-216]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R12-4-108	Amend
R12-4-301	Renumber
R12-4-301	New Section
R12-4-318	Amend
R12-4-321	Renumber
R12-4-321	Amend

2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 17-231(A)(1)

Implementing statute: A.R.S. §§ 13-3107, 13-3108, 17-102, 17-231(A)(1), 17-231(A)(3), 17-231(B)(2), 17-234, 17-235, 17-301, 17-305, 17-307, 17-333, 17-346, and 17-371(D)

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 17 A.A.R. 107, January 13, 2012 (*in this issue*)

4. The agency's contact person who can answer questions about the rulemaking:

Name: Craig McMullen, Wildlife Recreation Branch Chief

Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086

Telephone: (623) 236-7188

Fax: (623) 236-7903

E-mail: CMcMullen@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml.

5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Commission proposes to amend R12-4-108, R12-4-301, and R12-4-318 and adopt a new rule, R12-4-321, to implement recent legislative amendments to A.R.S. §§ 13-3107 and 13-3108, which transferred the authority to regulate the use of firearms for the take wildlife within municipal boundaries to the Arizona Game and Fish Commission. The Commission submits this rulemaking to the Secretary of State's office in accordance with the exemption authorized under item 4 of Executive Order 2011-05 State Regulatory Rulemaking Moratorium.

Legislative amendments to A.R.S. §§ 13-3107 and 13-3108 transferred the authority to regulate the use of firearms for the take wildlife within municipal boundaries to the Arizona Game and Fish Commission. Laws 2010, 2nd Regular Session, Ch. 19 modified statutory prohibitions pertaining to the firearms related ordinances, rules or taxes that may be enacted or enforced by a political subdivision of the state and retroactively nullified any firearms related ordinance or rule that is inconsistent with, or more restrictive than, state law. Statutory amendments also prohibit political subdivisions from enacting any ordinance or rule that limits the possession of firearms in parks or preserves to persons possessing a concealed carry weapons permit. In addition, Laws 2011, 1st Regular Session, Ch. 349 prohibits political subdivisions from limiting the lawful taking of wildlife during an open season established by the Commission unless the ordinance, rule or regulation is consistent with statute and Commission rules and Orders.

The Commission divides the state into 47 units for the purpose of managing wildlife. These units are known as game management units or hunt areas and are composed of state, federal, military, and private land. These units define legally huntable areas and are essential to the Department's licensing, hunt permit tag and law enforcement operations. Hunters purchase permit tags and non-permit-tags (tag) that authorize the individual to hunt in a game management unit, portion of a unit, or group of units that is open to hunting and rely on the unit boundary descriptions provided in R12-4-108.

The Department's Geographic Information Systems (GIS) Unit, in consultation with regional personnel, conducted a review of the existing Management Units. The GIS Unit compared existing land ownership and land use documents to the Department's GIS datasets. As a result of the new legislation and the internal review of game management units, the Commission proposes to amend R12-4-108 to update landmark references.

The Commission proposes to renumber R12-4-301 to R12-4-321 and establish a new rule providing definitions for terms used within Article 3.

The Commission proposes to amend R12-4-318 to establish a limited weapon pneumatic season and a limited weapon hand or hand-held implement season, when prescribed under R12-4-304 as lawful for the species hunted. These amendments are proposed to allow an individual to lawfully take small game and reptiles in a city or county park or preserve. In addition, the Commission also proposes the following amendments to R12-4-318: including falconry as a method of take during an archery-only season as this request has been asked for by public stakeholders during hunt guideline discussions; exempting falconers hunting with exotic raptors from falconry license established under R12-4-422 to bring the rule into alignment with statutory amendments to A.R.S. § 17-236; expanding the authorization to possess a personal protection handgun for personal protection to individuals participating in limited weapon, limited weapon rimfire, limited weapon shotgun, limited weapon shotgun shooting shot, limited weapon pneumatic, limited weapon hand or hand-held, falconry-only, and restricted seasons to increase consistency between

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archery-only, muzzleloader-only, and other limited weapon seasons within the rule; establishing a “restricted” season in which an individual may use any approved method or device authorized under R12-4-304, except pursuit with dogs to ensure harvest objectives for bear and mountain lion are not exceeded; and clarifying Junior-only hunt age requirements to increase opportunity for those hunters nearing their 18th birthday and reduce confusion regarding eligibility for Juniors-only hunts.

The Commission proposes to renumber and amend R12-4-301. The new number is R12-4-321 and the Commission proposes to amend the rule to establish that all city and county parks and preserves are closed to hunting, unless authorized by Commission Order. The rule further states that a city or county may, when not in conflict with a Commission Order, restriction hunting or trapping within a 1/4 mile of certain populated areas, require an individual to declare their intention to hunt and take wildlife only in city parks when they are open to visitors.

6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not rely on any study in its evaluation of or justification for the rule.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Commission anticipates the proposed rulemaking will benefit the regulated community and the Department by replacing archaic information and aligning the rule with statute. In addition, the rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

9. The agency’s contact person who can answer questions about the economic, small business, and consumer impact statement:

See item 4.

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: March 9, 2012
Time: 8:00 a.m. to 5:00 p.m.
Location: 5000 W. Carefree Highway
Phoenix, AZ 85086
Close of record: March 9, 2012

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

The rule does not require a general permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

The agency has not received an analysis that compares the rule’s impact of competitiveness of business in this state to the impact on business in other states.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

R12-4-108. Management Unit Boundaries

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

Section

R12-4-301. Definitions

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

~~R12-4-301-R12-4-321.~~ Restrictions for Taking Wildlife in City Parks, City Preserves, Maricopa County Parks, and County Preserves

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-108. Management Unit Boundaries

A. No change

1. No change
2. No change
3. No change
4. No change

B. The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number, or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department. ~~See R12-4-117.~~

C. Management unit descriptions are as follows:

Unit 1 - Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; southerly on the Vernon-McNary road (FR 224) to the ~~Fort~~ White Mountain Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley-Alpine Rd. (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

No change

No change

No change

No change

Unit 3B - Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwesterly along U.S. Hwy 60 to the ~~Fort~~ White Mountain Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary Rd. (FR 224); northerly along the Vernon-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake Rd.; westerly on the Concho-Snowflake Rd. to Snowflake.

No change

Unit 4A -- Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation Boundary; east along the Navajo Indian Reservation Boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd; ~~southeasterly~~ westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B -- Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; easterly along the Mogollon Rim to AZ Hwy 260.

No change

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No change

Unit 6A - Beginning at the junction of U.S. Hwy 89A and FR 237; southwesterly on U.S. Hwy 89A to the Verde River; southeasterly along the Verde River to Childs; easterly on the Childs-Strawberry Rd. to Fossil Creek north on the creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well Rd. (FH3); northwesterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southwesterly along the bottom of Priest Draw to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer Rd.; west on Mountaineer Rd. to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

No change

Unit 7 - Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Rd.); northeasterly on FR 420 to U.S. Hwy 89; ~~north on across~~ U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

No change

No change

No change

Unit 11M - Beginning at the junction of Lake Mary-Clint's Well Rd. (FH3) and Walnut ~~Creek Canyon~~ (mp 337.5 on FH3); northeasterly along Walnut ~~Creek Canyon~~ to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut ~~Creek Canyon~~; northeasterly along Walnut ~~Creek Canyon~~ to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd.); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; ~~south on across~~ U.S. Hwy 89 to FR 420 (Schultz Pass Rd.); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to the forest road in section 33; southeasterly along the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd.; easterly on Mountaineer Rd. to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to Walnut ~~Creek Canyon~~ (mp 337.5 on FH3).

No change

No change

Unit 13A -- Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.

Unit 13B -- Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); ~~south from the town of Mt. Trumbull (Bundyville)~~ on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the

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Utah state line to the western edge of the Hurricane Rim.

No change

No change

No change

No change

Unit 16A - Beginning at Kingman Exit 48 on I-40; south and west on I-40 to ~~AZ U.S. Hwy 95 (Exit 9)~~; southerly on ~~AZ U.S. Hwy 95 to the Bill Williams River Rd. (milepost 161.4)~~; easterly along the Bill Williams River Rd. to Mineral Wash Rd.; ~~continuing easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93~~; north and west on U.S. Hwy 93 and I-40 to Kingman (Exit 48).

No change

No change

No change

No change

No change

No change

Unit 19B -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69 ~~northwesterly through Prescott~~, west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; northwest on the Iron Springs Rd. to the junction of Williamson Valley Rd. and Iron Springs Rd.; northerly on the Williamson Valley-Prescott-Seligman Rd. (FR 6, Williamson Valley Rd.) to AZ Hwy 66 at Seligman; east on Crookton Rd. (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; ~~northwest west on Gurley St. to Grove Ave.~~; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; west and south on the Iron Springs-Skull Valley-Kirkland Junction Rd. to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes Rd. to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

No change

No change

No change

Unit 22 -- Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to Childs; easterly on the Childs-Strawberry Rd. ~~to Fossil Creek~~; north on the creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; ~~northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary along the Mogollon Rim~~; easterly along this boundary to the Tonto-Sitgreaves National Forest boundary; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Mohave-Apache Community.

Unit 23 -- Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the ~~Fort~~ White Mountain Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A -- Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and ~~88~~ 188 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B -- Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy ~~88~~ 188; northerly on AZ Hwys ~~88~~ 188 and 288 to the Salt River; westerly along the Salt River to Bush Hwy at the Blue Point Bridge; westerly on Bush Hwy to the Usery Pass Rd. (Ellsworth Rd.); southerly on the Usery Pass Rd. to the Tonto National Forest Boundary near Granite Reef Dam; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southwesterly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M -- Beginning at 115th Ave. and the Gila River; easterly to the western boundary of the Gila Indian Reservation;

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southeasterly along the reservation boundary in AZ Hwy 347 (Maricopa Rd.); south on AZ Hwy 347 (Maricopa Rd.) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Hwy 60 to the Meridian Extension (Maricopa-Pinal County Line); south on the Meridian Extension (Maricopa-Pinal County Line) to Empire Blvd.; west on Empire Blvd. to the Gila Indian Reservation boundary; north and west along the Gila River Indian Reservation boundary to 115th Ave; except those portions that are sovereign tribal lands of the Gila River Indian Community and the Ak-Chin Indian Community.

Unit 25M -- Beginning at the junction of 51st Ave. and I-10; west on I-10 to AZ Loop 303, northeasterly on AZ Loop 303 to I-17; north on I-17 to Carefree Hwy; east on Carefree Hwy to Cave Creek Rd.; northeasterly on Cave Creek Rd. to the Tonto National Forest Boundary; easterly and southerly along the Tonto National Forest Boundary to Fort McDowell Yavapai Nation boundary; northeasterly along the Fort McDowell Yavapai Nation Boundary to the Verde River; southerly along the Verde River to the Salt River; southwesterly along the Salt River to the Tonto National Forest boundary; southwesterly along the Tonto National Forest boundary to Bush Hwy/Power Rd.; southerly on Bush Hwy/Power Rd. to AZ Loop 202; easterly, southerly, and westerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; west on Pecos Rd. to the Gila River Indian Community boundary; northwesterly along the Gila River Indian Community boundary to 51st Ave; northerly on 51st Ave to I-10; except those portions that are sovereign tribal lands.

Unit 26M -- Beginning at the junction of I-17 and New River Rd. (Exit 232); west on New River Rd. to AZ Hwy 74; west on AZ Hwy 74 to the junction with U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly along the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd. (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; east along the Gila River to 115th Ave.; north on 115th Ave. to I-10; west along I-10 to Litchfield Rd.; north on Litchfield Rd. to Bell Rd.; east on Bell Rd. to the New River; north along the New River to the Carefree Hwy; east along Carefree Hwy to Cave Creek Rd.; northeast along Cave Creek Rd. to Pima Rd.; south on Pima Rd. to Loop 101; south on loop 101 to the Salt River; easterly along the Salt River to the Tonto National Forest boundary; southeasterly to Usery Pass Rd.; north on Usery Pass Rd. to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along this boundary to Fig Springs Rd.; southwesterly on Fig Springs Rd.; west to New River Rd. to I-17 (Exit 232); except those portions that are sovereign tribal lands of the Salt River Pima-Maricopa Indian Community and the Fort McDowell Mohave-Apache Community.

Unit 26M -- Beginning at the junction of I-17 and New River Rd. (Exit 232); southwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly on the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; northeasterly along the Gila River to the Gila River Indian Community boundary; southeasterly along the Gila River Indian Community boundary to AZ Hwy 347 (Maricopa Rd.); south on AZ Hwy 347 (Maricopa Rd.) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham Nation boundary; easterly along the Tohono O'odham Nation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Highway 60 to Peralta Rd.; northeasterly along Peralta Rd. to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to the Salt River; northeasterly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest Boundary; northwesterly along the Tonto National Forest boundary to Fig Springs Rd.; southwesterly on Fig Springs Rd. to New River Road; west on New River Road to I-17 (Exit 232); except Unit 25M and those portions that are sovereign tribal lands.

Unit 27 -- Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to ~~San Carlos Moronei-Clifton~~ Lower Eagle Creek Rd. (Pump Station Rd.); west on ~~San Carlos Moronei-Clifton~~ the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to Three Forks-Williams Valley-Alpine Rd. (FR 249); easterly along Three Forks-Williams Valley-Alpine Rd. to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 - Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the ~~Clifton-Moronei-San Carlos~~ the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy

191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

No change

No change

No change

No change

No change

No change

No change

No change

Unit 35A -- Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to the ~~Lochiel-Canelo Pass-Elgin~~ Lochiel Rd.; north on the ~~Lochiel-Canelo Pass-Elgin~~ Lochiel Rd. to Patagonia San Rafael Rd. north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on the FR 799-Canelo Pass Rd. to State Hwy 83; northwesterly on the State Hwy 83 to Elgin Canelo Rd.; northeasterly on the Elgin-Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B - Beginning at Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to the ~~Lochiel-Canelo Pass-Elgin~~ Lochiel Rd.; north on the ~~Lochiel-Canelo Pass-Elgin~~ Lochiel Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on FR 799-Canelo Pass Rd. to State Hwy 83; northwesterly on the Hwy 83 to Elgin Canelo Rd.; north on the Elgin Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A - Beginning at the junction of Sandario Rd. and AZ Hwy 86; southwest on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the ~~Arivaca~~ Arivaca-Sasabe Rd.; ~~easterly~~ southeasterly on the ~~Arivaca~~ Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B - Beginning at I-19 and Grand Avenue (U.S. Hwy 89) in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the ~~Arivaca~~ Arivaca-Sasabe Rd.; ~~east~~ southeasterly on the ~~Arivaca~~ Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; south on I-19 to Grand Avenue (U.S. Hwy 89).

No change

No change

No change

No change

Unit 39 - Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Reservation; southeasterly along the reservation boundary to AZ Hwy 347 (~~Maricopa Rd.~~ John Wayne Parkway); south on AZ Hwy 347 (~~Maricopa Rd.~~ John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to I-8; westerly on I-8 to Exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O'odham Nation and the Ak-Chin Indian Community.

No change

No change

No change

No change

Unit 43A -- Beginning at AZ Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake Rd. to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley Rd.; east along the Stone Cabin-King Valley Rd. to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd. (Blevens Rd.); northwesterly on the Crystal Hill Rd. (Blevens Rd.) to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams

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River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

No change

Unit 44A -- Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge Rd. to I-10; easterly on I-10 to the Salome-Hassayampa Rd. (Exit 81); northwesterly on the Salome-Hassayampa Rd. to Eagle Eye Rd.; northeasterly on Eagle Eye Rd. to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B - Beginning at ~~Quartzite~~ Quartzsite; south on U.S. Hwy 95 to the Crystal Hill Rd. (Blevens Rd.); east on the Crystal Hill Rd. (Blevens Rd.) to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge Rd.; north on the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzite Quartzsite.

Unit 45A -- Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley Rd. (King Rd.) to O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to ~~Midwell~~ Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Rd.

Unit 45B -- Beginning at O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to ~~Midwell~~ Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley Rd.; north and west on the Stone Cabin-King Valley Rd. (Wellton Kofa Rd./Ave 40E) to O-O Junction.

Unit 45C -- Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge; south, east, and north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); north and west on the Stone Cabin-King Valley Rd. (King Rd.) to the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary.

No change

No change

~~Unit 47M -- Beginning at the junction of I-17 and the Carefree Hwy; east along the Carefree Hwy to Cave Creek Rd.; northeast along Cave Creek Rd. to Pima Rd.; south on Pima Rd. to Loop 101; south on Loop 101 to the Salt River; easterly along the Salt River to the Tonto National Forest boundary; northeasterly to the Tonto National Forest boundary; southeasterly along the Forest boundary to Forest Rd. 77 (Peralta Rd.); southwesterly on Forest Road 77 (Peralta Rd.) to U.S. Hwy 60; northwesterly on U.S. Hwy 60; to the Meridian Extension (Maricopa Pinal County Line); south on the Meridian Extension (Maricopa Pinal County Line) to Empire Blvd.; west on Empire Blvd. to the Gila River Indian Reservation boundary; north and west along the Gila River; west along the Gila River to 115th Ave.; north on 115th Ave. to I-10; west along I-10 to Litchfield Rd.; north on Litchfield Rd. to Bell Rd.; east on Bell Rd. to the New River; north along the New River to the Carefree Hwy; east along Carefree Hwy to I-17.~~

D. This Section is effective July 1, 2006.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Definitions

In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Article unless otherwise specified:

“Dip net” means any net, excluding the handle, that is no greater than 3 feet in the greatest dimension that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the individual.

“Personal protection handgun” means a handgun with a barrel length of 6 inches or less that does not have a scope or any type of electronic sight.

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

- A.** Methods of lawfully taking wild mammals and birds during seasons designated by Commission ~~order~~ Order as “general” seasons are designated ~~in under~~ under R12-4-304. ~~Restrictions designated in subsection (C) do not apply to general seasons.~~
- B.** Methods of lawfully taking big game during seasons designated by Commission ~~order~~ Order as “special” are designated ~~in under~~ under R12-4-304. “Special” seasons are open only to individuals who possess special big game license tags ~~issued~~ authorized under A.R.S. § 17-346 and R12-4-120.

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- C. When designated by Commission ~~order~~ Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed in this Section. Individuals participating in seasons designated under subsections (C)(5) through (14) may possess a personal protection handgun, as defined under R12-4-301, for personal protection. Except as authorized under A.R.S. § 17-301.01, it is unlawful to take any wildlife with this handgun. While taking the species authorized by the season:
1. An individual participating in a “muzzleloader” season shall not use or possess any firearm other than muzzle loading rifles or muzzle-loading handguns, as defined under R12-4-101. Individuals participating in a “muzzleloader” season may possess a non-hunting handgun for personal protection. It is unlawful to take any wildlife with this handgun while participating in a “muzzleloader” season. For the purposes of this Section, a non-hunting handgun is defined as a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight.
 2. An individual participating in an “archery-only” season may only use or possess a bow and arrow as prescribed under R12-4-304 and shall not use or possess any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. Individuals participating in an “archery-only” season may possess a non-hunting handgun for personal protection. It is unlawful to take any wildlife with this handgun while participating in an “archery-only” season. For the purposes of this Section, a non-hunting handgun is defined as a handgun with a barrel length of six inches or less that does not have a scope or any type of electronic sight.
 3. An individual participating in a “handgun, archery, and muzzleloader (HAM)” season may only use or possess any or all of the following: handguns, muzzle-loading rifles as defined in R12-4-101, crossbows, and bows and arrows as prescribed in R12-4-304.
 4. An individual who possesses a valid tag for a bear season between January 1 and July 31 shall not use dogs to take bear.
 5. An individual participating in a “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission order, but shall not kill or capture the quarry. An individual participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce a valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
 6. An individual participating in a “limited weapon” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
 - a. Any trap except foothold steel traps;
 - b. Bow and arrow;
 - c. Capture by hand;
 - d. Crossbow;
 - e. Falconry;
 - f. Hand-propelled projectiles;
 - g. Nets;
 - h. Pneumatic weapons; or
 - i. Slingshots.
 7. An individual participating in a “limited weapon shotgun” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
 - a. Any trap except foothold steel traps;
 - b. Bow and arrow;
 - c. Capture by hand;
 - d. Crossbow;
 - e. Falconry;
 - f. Hand-propelled projectiles;
 - g. Nets;
 - h. Pneumatic weapons;
 - i. Shotgun shooting shot or slug; or
 - j. Slingshots.
 8. An individual participating in a “limited weapon shotgun shooting shot” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
 - a. Any trap except foothold steel traps;
 - b. Bow and arrow;
 - c. Capture by hand;
 - d. Crossbow;
 - e. Falconry;
 - f. Hand-propelled projectiles;
 - g. Nets;
 - h. Pneumatic weapons;
 - i. Shotgun shooting shot; or

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- j. ~~Slingshots.~~
- 9. ~~An individual participating in a “limited weapon rimfire” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:~~
 - a. ~~Any trap except foothold steel traps,~~
 - b. ~~Bow and arrow,~~
 - e. ~~Capture by hand,~~
 - d. ~~Crossbow,~~
 - e. ~~Falconry,~~
 - f. ~~Hand propelled projectiles,~~
 - g. ~~Nets,~~
 - h. ~~Pneumatic weapons,~~
 - i. ~~Rifled firearms using rimfire cartridges,~~
 - j. ~~Shotgun shooting shot or slug, or~~
 - k. ~~Slingshots.~~
- 10. ~~An individual participating in a “falconry only” season shall be a falconer either licensed under R12-4-422 or exempted under R12-4-407, and use no method of take except falconry.~~
- 11. ~~An individual may participate in a “juniors-only hunt” up to and throughout the calendar year of the individual’s 17th birthday, provided the individual meets the requirements prescribed under A.R.S. § 17-335.~~
- 12. ~~An individual participating in a “CHAMP” season shall be a challenged hunter access/mobility permittee under R12-4-217.~~
- 13. ~~An individual participating in a “raptor capture” season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.~~
- 1. An individual participating in a “CHAMP” season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.
- 2. An individual under the age of 18 who meets the requirements prescribed under A.R.S. § 17-335 may participate in a “juniors-only hunt.” A youth hunter whose 18th birthday occurs during a “juniors-only hunt” for which they have a valid permit or tag may continue to participate for the duration of that “juniors-only hunt.”
- 3. An individual participating in a “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry. An individual participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce a valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.
- 4. An individual participating in a “restricted season” may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.
- 5. An individual participating in an “archery-only” season shall not use or possess any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. An individual participating in an “archery-only” season may only use or possess the following:
 - a. Bows and arrows as prescribed under R12-4-304, and
 - b. Falconry.
- 6. An individual participating in a “handgun, archery, and muzzleloader (HAM)” season may only use or possess any or all of the following:
 - a. Bows and arrows as prescribed under R12-4-304,
 - b. Crossbows as prescribed under R12-4-304 or bows to be drawn and held with an assisting device,
 - c. Handguns, and
 - d. Muzzle-loading rifles as defined under R12-4-101.
- 7. An individual participating in a “muzzleloader” season shall not use or possess any firearm other than muzzle-loading rifles or muzzle-loading handguns, as defined under R12-4-101.
- 8. An individual participating in a “limited weapon” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
 - a. Any trap except foothold traps,
 - b. Bow and arrow,
 - c. Capture by hand,
 - d. Crossbows as prescribed under R12-4-304 or bows to be drawn and held with an assisting device,
 - e. Dogs,
 - f. Falconry,
 - g. Hand-propelled projectiles,
 - h. Nets,
 - i. Pneumatic weapons, or
 - j. Slingshots.
- 9. An individual participating in a “limited weapon hand or hand-held implement” season may only use or possess the

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- following methods or devices for taking wildlife, when prescribed under R12-4-304 as lawful for the species hunted:
- a. Catch-pole.
 - b. Hand.
 - c. Snake hook, or
 - d. Snake tongs.
10. An individual participating in a “limited weapon-pneumatic” season may only use or possess the following methods or devices for taking wildlife, when prescribed under R12-4-304 as lawful for the species hunted:
- a. Capture by hand.
 - b. Dogs.
 - c. Falconry.
 - d. Hand-propelled projectiles.
 - e. Nets.
 - f. Pneumatic weapons discharging a single projectile .22 caliber or smaller, or
 - g. Slingshots.
11. An individual participating in a “limited weapon-rimfire” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps.
 - b. Bow and arrow.
 - c. Capture by hand.
 - d. Crossbows as prescribed under R12-4-304 or bows to be drawn and held with an assisting device.
 - e. Dogs.
 - f. Falconry.
 - g. Hand-propelled projectiles.
 - h. Nets.
 - i. Pneumatic weapons.
 - j. Rifled firearms using rimfire cartridges.
 - k. Shotgun shooting shot or slug, or
 - l. Slingshots.
12. An individual participating in a “limited weapon-shotgun” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps.
 - b. Bow and arrow.
 - c. Capture by hand.
 - d. Crossbows as prescribed under R12-4-304 or bows to be drawn and held with an assisting device.
 - e. Dogs.
 - f. Falconry.
 - g. Hand-propelled projectiles.
 - h. Nets.
 - i. Pneumatic weapons.
 - j. Shotgun shooting shot or slug, or
 - k. Slingshots.
13. An individual participating in a “limited weapon-shotgun shooting shot” season may only use or possess the following methods or devices for taking wildlife, when authorized under R12-4-304 as lawful for the species hunted:
- a. Any trap except foothold traps.
 - b. Bow and arrow.
 - c. Capture by hand.
 - d. Crossbows as prescribed under R12-4-304 or bows to be drawn and held with an assisting device.
 - e. Dogs.
 - f. Falconry.
 - g. Hand-propelled projectiles.
 - h. Nets.
 - i. Pneumatic weapons.
 - j. Shotgun shooting shot, or
 - k. Slingshots.
14. An individual participating in a “falconry-only” season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a “falconry-only” season shall use no other method of take except falconry.
15. An individual participating in a “raptor capture” season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

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~~R12-4-301~~R12-4-321. Restrictions for Taking Wildlife in City Parks, City Preserves, Maricopa County Parks, and County Preserves

- ~~A.~~ Lands and water within the boundaries of all Maricopa County parks are open to hunting and trapping when a Commission order establishes an open season. Individuals may use only the following methods of take:
 - 1. Archery hunting, when lawful for the wildlife taken under R12-4-304.
 - 2. Shotguns shooting shot, when taking small game, predatory, furbearing, and nongame animals during quail season in Lake Pleasant, White Tank Mountains, McDowell Mountain, and Estrella Mountain regional park, subject to subsection (F).
- ~~B.~~ An individual is prohibited from using rifled firearms within all Maricopa County parks except to take deer during deer seasons established by Commission order with concurrence of the Maricopa County Recreation Services Department.
- ~~C.~~ An individual shall not trap within any Maricopa County park except under the provisions of A.R.S. § 17-239, or when the Maricopa County Recreation Services Department and the Arizona Game and Fish Department determine that wildlife numbers need to be reduced in a park area because of a danger to the public or other wildlife.
- ~~D.~~ An individual shall not hunt within 1/4 mile of any developed picnic area, boat ramp, shooting range, golf course, or other recreational area developed for public use.
- ~~E.~~ Individuals entering any Maricopa County park for the purpose of hunting shall declare their intention of hunting and pay any fees required by Maricopa County Recreation Services Department at an entry station when entering the park, if the park has an entry station in operation.
- ~~F.~~ This rule does not authorize an individual to use a method of take that is prohibited by a city ordinance.
- A. All city and county parks and preserves are closed to hunting, unless open by Commission Order.
- B. Unless otherwise provided under Commission Order or rule, a city or county may:
 - 1. Prohibit any individual from hunting or trapping within 1/4 mile of any:
 - a. Developed picnic area.
 - b. Developed campground.
 - c. Boat ramp.
 - d. Shooting range.
 - e. Occupied structure, or
 - f. Golf course.
 - 2. Require an individual entering a city or county park or preserve, for the purpose of hunting, to declare the individual's intent to hunt when entering the park, if the park has an entry station in operation.
 - 3. Allow an individual to take wildlife in a city park only during the posted city park hours.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 3. DEPARTMENT OF TRANSPORTATION
HIGHWAYS**

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2011-05 as issued by Governor Brewer. (See the text of the executive order on page 113.) The Governor's Office authorized the notice to proceed through the rulemaking process on September 23, 2011.

[R11-211]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|---------------------------------|
| R17-3-901 | Amend |
| R17-3-902 | Amend |
| R17-3-903 | Amend |
| R17-3-904 | Amend |
| R17-3-905 | Amend |
| Illustration A | Repeal |
| Illustration B | Repeal |
| Illustration C | Repeal |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 28-366

Notices of Proposed Rulemaking

Implementing statute: A.R.S. § 28-7311

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 17 A.A.R. 2422, December 2, 2011

4. The agency's contact person who can answer questions about the rulemaking:

Name: Jane McVay
Address: Arizona Department of Transportation
Government Relations and Policy Development Office
206 S. 17th Ave., MD 140A
Phoenix, AZ 85007
Telephone: (602) 712-4279
Fax: (602) 712-3232
E-mail: jmcvay@azdot.gov

5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Arizona Department of Transportation (ADOT) has authority in A.R.S. § 28-7311 to establish an urban, a rural, and an interstate logo sign program in the state. The statute requires ADOT to have administrative rules to implement and operate the logo sign programs. The Department recognized a need to make changes to the current rules, which provide for an outside contractor to administer the logo sign program. The proposed rules allow either a contractor or ADOT to administer the urban, rural, and interstate logo sign programs. Effective July 1, 2012, the Arizona Department of Transportation (ADOT) will assume responsibility for administration of the rural, interstate, and urban logo sign programs, which include 2,200 logos on highway signs, primarily on rural stretches of Arizona interstate and state highways.

The rules also update the logo sign rules with changes in the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD), which is the national standard adopted by the U.S. Department of Transportation, Federal Highway Administration, for traffic control devices and logo signs. The Department will adopt the 2009 Manual on Uniform Traffic Control Devices (MUTCD) in January 2012, as required by the U.S. Department of Transportation, Federal Highway Administration. These rules expand the types of businesses that are eligible for specific service information signs from gas, food, lodging, camping, and attractions to include 24-hour pharmacies. The rules allow for display of a maximum of 12 business logos on two logo sign panels at a rural highway intersection or interchange. The Department will transition management of this program with minimal impact on the logo sign clients and the traveling public, the beneficiaries of the information provided by the logo signs, along rural, interstate, and urban highway exits.

The proposed rulemaking includes the following changes:

- Updates and clarifies definitions relating to college and university signing and logo signs.
- Removes the community logo plan for the rural logo sign program. Allows a community to sign an agreement with the Department prohibiting logos on logo sign panels on state highways within their community.
- Provides that the Department or a contractor may administer the rural, urban, and interstate logo sign programs in the state. If a logo sign program is contracted to a private vendor, the Department must engage in the state procurement process.
- Conforms rule provisions relating to businesses and business eligibility to place logos on logo sign panels with changes in the 2009 version of the MUTCD.
- Allows the Department to propose its own form of a written lease with a responsible operator.
- Provides that a contractor or the Department will determine the location and position of new logos on logo sign panels when logo panel vacancies occur.
- Moves urban logo sign provisions and requirements to R17-3-904.
- Limits a specific service information sign panel to three types of services and a maximum of six logo sign panels.
- Combination signs are limited to no more than three types of specific service information sign panels.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The agency did not review or rely on any study.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

Notices of Proposed Rulemaking

Effective July 1, 2012, the Arizona Department of Transportation (ADOT) will assume responsibility for administration of the rural, interstate, and urban highway logo sign programs in the state, which includes 2,200 logos on rural stretches of Arizona interstate and state highways from 1,100 businesses. The entities that are both cost bearers and direct beneficiaries of the rulemaking are ADOT, businesses that sign lease agreements to advertise their logos on logo sign panels, and motorists who receive services from the businesses.

These rules do not mandate businesses to participate in the logo sign programs. Some travel-related businesses operating along rural or interstate highways in the state may participate in the program and pay logo sign lease costs to gain more visibility and generate more revenue. The proposed rules will not reduce the revenue or payroll expenditures of businesses subject to the rulemaking because the logo sign lease costs are expected to remain the same when the Department begins to administer the program. Business participation in logo sign advertising is expected to increase revenue for participating large and small businesses. Other businesses in the vicinity of business advertisers may also have an increase in visitation and sales from logo sign advertising by business advertisers.

Employment in participating businesses may be positively impacted in the long-term as a result of the rules. As the state's economy improves, participating businesses may need to add employees and may increase their business locations. The rules increase the number of logos that may be placed on logo sign panels and allow 24-hour pharmacies to place their logos on logo sign panels, which may generate additional revenue for the Department as a result of marketing the logos to more businesses that want to display their logos.

Businesses and the traveling public benefit from the rural, interstate, and urban highway logo sign program because this marketing option is available at a substantially lower cost than other types of advertising, such as radio, television, and internet banner advertising. Motorists receive information about the availability of desired and needed services. Although the current program vendor will lose revenue when the current contract with the Department ends, some of the program revenue generated by the Department's operation of the program is likely to be expended for private sector goods and services. The state and other political subdivisions are also expected to benefit from additional revenues and taxes collected due to increased traveler expenditures as a result of logo sign advertising. The Department plans to administer the program using existing staff, so no additional staff costs will result from the rulemaking.

Businesses that meet established criteria for their business type are eligible to participate in the logo sign programs by entering into a lease agreement with the Department. Businesses pay costs to participate in the program, including logo sign face costs, installation costs, and monthly lease costs. Costs for materials related to the logo sign structure and costs to maintain the logo sign panels are passed along to program participants. Logo sign face costs are \$14.10 per square foot. Sign costs vary depending on the sign location, including whether the sign is on the mainline or a ramp, and the sign size, which varies for freeways versus conventional roads. Sign costs for a one-color sign range from about \$200 to \$400 per sign. Monthly lease costs also vary with the type of business, type and location of sign, with higher costs for signage along the interstate highways than rural highways. The annual lease rate for a mainline logo sign for a gas station accessible from an interstate highway is \$1,440 versus \$528 in a rural location. A non-profit attraction would pay annual lease costs of \$840. Costs incurred by the Department to maintain the logo sign panels, signs, and structures in the state for FY 2006 through October 2011 total \$530,004.

The current business advertisers represent the food, lodging, gas, camping sectors, and attractions. A vendor on contract with ADOT is currently administering the logo sign program. The logo sign program in Arizona generates annual revenues of \$1.5 million, which are currently retained exclusively by the contractor. After July 1, 2012, when ADOT administers the program, the proceeds of the program, minus the program administrative costs will be transferred to the State Highway Fund for authorized uses by ADOT for various transportation-related activities and initiatives.

ADOT has chosen the rulemaking option that is the least costly and burdensome to business. ADOT is required to comply with national standards for traffic control devices and logo signs, adopted in the 2009 version of the MUTCD, and must meet other federal transportation requirements, in order to continue to receive federal highway funds. Eligible businesses may choose to advertise their business through logo sign advertising or other media. The only other alternatives are for the Department to discontinue the logo sign programs, or to continue to contract out the logo sign programs. Using either of these alternatives, the programs would not generate any additional funding for transportation or transportation-related programs and projects beneficial to the traveling public.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Eileen Colleran
Address: Policy and Rules Administrator
Arizona Department of Transportation
Government Relations and Policy Development Office
206 S. 17th Ave., MD 140A
Phoenix, AZ 85007
Telephone: (602) 712-7685
Fax: (602) 712-3232

E-mail: ecolleran@azdot.gov

10. The time, place, and nature of the proceedings to make, amend, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: February 13, 2012
Time: 1:30 p.m.
Location: Arizona Department of Transportation
206 S. 17th Ave.
Phoenix, AZ 85007
Nature: Oral Proceeding/Public Hearing

All oral and written comments should be directed to the person listed in item 4. Written comments may be submitted to the address listed in item 4 for 30 days after the Notice of Proposed Rulemaking is published in the *Register*. The public record will be closed at the end of the 30-day period. Oral comments may be made during regular business hours before the close of public record.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to questions (a) through (c):

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules provide that if a contractor operates any aspect of the logo sign program, a contractor shall obtain an encroachment permit from the Department before erecting a specific service information sign along a state highway. Encroachment permits, which are currently required by existing agency rules, are general permits.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

In 23 U.S.C. 109(d), the Secretary of the U.S. Department of Transportation requires that on any highway project in which federal funds participate for projects constructed since December 20, 1944, the location, form, and character of informational, regulatory and warning signs, and traffic signals installed or placed by any other agency are subject to approval of the state transportation department, with concurrence of the Secretary, who is directed to concur only in installations that promote safe and efficient utilization of the highways. These rules comply with this requirement. These rules are no more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

12. A list of any incorporated by reference material in A.R. S. § 41-1028 and its location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 3. DEPARTMENT OF TRANSPORTATION

ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES

Section

R17-3-901. Signing for Colleges and Universities
R17-3-902. Logo Sign ~~Program~~ Programs
R17-3-903. ~~Special Exception Waiver for~~ Urban Logo Sign Program and Requirements
R17-3-904. Rural Logo Sign Requirements Program
R17-3-905. Rural Logo ~~Program~~ Sign Requirements
Illustration A. Repealed
Illustration B. Repealed
Illustration C. Repealed

ARTICLE 9. HIGHWAY TRAFFIC CONTROL DEVICES

R17-3-901. Signing for Colleges and Universities

Notices of Proposed Rulemaking

A. Definitions.

"Community College" ~~means a two-year college as described in~~ has the meaning as prescribed in A.R.S. § 15-1401.

"Department" means the Arizona Department of Transportation.

~~"FHWA" means the Federal Highway Administration of the U.S. Department of Transportation.~~

"Major metro area" means an urban area with a population of at least 50,000.

~~"Manual on Uniform Traffic Control Devices (MUTCD)" means a national standard for the design and application of traffic control devices published by the U.S. Department of Transportation Federal Highway Administration and used as the standard for traffic control devices for use upon the streets and highways of the state of Arizona as required by A.R.S. § 28-641.~~

"Municipality" means an incorporated city or town.

~~"MUTCD" means the Manual on Uniform Traffic Control Devices, a national standard for the design and application of traffic control devices published by the U.S. Department of Transportation (U.S. DOT), Federal Highway Administration (FHWA) and used as the standard for traffic control devices for use upon the streets and highways of the state of Arizona as required by A.R.S. § 28-641.~~

"Nonconforming sign" means an erected sign that does not comply with this Section or A.R.S. § 28-642(D) due to changes in the statutes, rules, or changed conditions. Examples of changed conditions include the reconstruction of a highway; or physical deterioration of a sign.

"Regionally accredited college or university" means a college or university accredited by a regional institutional accrediting association recognized by the Arizona State Board for Private Postsecondary Education.

"Rural area" means all areas other than a major metro area, or an urban area.

"Signing" means standard highway supplemental guide signs as specified in the MUTCD.

~~"State highway" has the same meaning as prescribed in A.R.S. § 28-101.~~

"Trailblazing sign" means a sign installed by a local governmental agency, off the state highway, to guide traffic to a college or university.

"Trip" means a one-way commute to or from a college or university, calculated by the Department based on the number of students or dorm beds, using the following equivalents:

One student = 1 1/2 trips

One dorm bed = three trips.

"State University" means a university established and maintained by the Arizona Board of Regents under A.R.S. § 15-1601

"Urban area" means a municipality having a population of at least ~~15,000~~ 10,000 but less than 50,000.

~~"U.S. DOT" means the United States Department of Transportation.~~

B. Application for signing. A college or university that qualifies under A.R.S. § 28-642(D) may request signing by submitting a letter on its letterhead to the Department's State Traffic Engineer. The letter shall contain the following information:

1. Name of college or university;
2. Complete street address;
3. Names of agencies granting accreditation;
4. Number of students;
5. Number of dormitory beds, if applicable; and
6. Signature of an individual authorized to sign for the college or university.

C. Requirements. To be considered for signing, a college or university that qualifies under A.R.S. § 28-642(D) shall satisfy the following:

1. Is on a road that intersects a state highway. If a college or university is on a road that does not intersect a state highway, it still may qualify if:
 - a. The governing political subdivision submits to the Department, within 30 days from the Department's receipt of the request for signing, written confirmation stating that the governing political subdivision will install and maintain trailblazing signs; and;
 - b. The governing political subdivision installs trailblazing signs before the Department places signing on the state highway.
2. Meets all the requirements under subsection (C)(2)(a), ~~(C)(2)(b)~~ (b), or ~~(C)(2)(e)~~ (c).
 - a. If in a major metro area:
 - i. Generates at least 4000 trips per weekday.
 - ii. Is three miles or less from a state highway, except the distance may be increased 1/4 mile for each ~~10 percent~~ 10% increase in the required number of trips per weekday to a maximum of five miles.

- b. If in an urban area:
 - i. Generates at least 2000 trips per weekday.
 - ii. Is four miles or less from a state highway, except the distance may be increased 1/4 mile for each ~~10 percent~~ 10% increase in the required number of trips per weekday to a maximum of five miles.
- c. If in a rural area:
 - i. Generates at least 1000 trips per weekday.
 - ii. Is five miles or less from the state highway, except the distance may be increased 1/4 mile for each ~~10 percent~~ 10% increase in the required number of trips per weekday to a maximum of 15 miles.
- D. Exceptions to standards. The Department may place supplemental guide signs on state highways to direct traffic to colleges and universities. The Department shall determine whether to place supplemental guide signs for a college or university based on the specific criteria and the guidelines in the MUTCD.
- E. Nonconforming signs. The Department may remove a nonconforming sign if:
 - 1. Other signs have greater priority under the criteria in the MUTCD,
 - 2. Physical spacing of signs is limited for an upcoming interchange or intersection, or
 - 3. A greater number of trips are generated by the subject of other guide signs.
- F. Only the initial, main campus of a qualifying college or university may qualify for signing, unless otherwise permitted by statute.

R17-3-902. Logo Sign ~~Program~~ Programs

A. Definitions.

“Attraction” means any of the following:

“Arena” means a facility that has a capacity of at least ~~5,000~~ 5000 seats, and is a:

Stadium or auditorium;

Track for automobile, boat, or animal racing; or

Fairground that has a tract of land where fairs or exhibitions are held, and permanent buildings that include bandstands, exhibition halls, and livestock exhibition pens.

“Cultural” means an organized and permanent facility that is open to all ages of the public, and is a:

Facility for the performing arts, exhibits, or concerts; or

Museum with professional staff, and an artistic, historical, or educational purpose, that owns or uses tangible objects, cares for them, and exhibits them to the public.

“Domestic farm winery” means a site licensed by the Arizona Department of Liquor Licenses and Control under A.R.S. § 4-205.04 that produces at least 200 gallons and not more than 40,000 gallons of wine annually that is commercially packaged for off-premises sale, and is open to the public for tours to provide an educational format for informing visitors about wine.

“Domestic microbrewery” means a site licensed by the Arizona Department of Liquor Licenses and Control under A.R.S. § 4-205.08 that produces not less than 5000 gallons of beer in each calendar year following the first year of operation and not more than 1.24 million gallons of beer in a calendar year, and is open to the public for tours to provide an educational format for informing visitors about beer.

“Dude ranch” means a facility offering overnight lodging, meals, horseback riding, and activities related to cattle ranching;

“Educational” means a facility that is a:

Community college, regionally accredited college or university, or state university as defined in ~~R17-3-901(A)~~ R17-3-901.

Educational excludes a business or research park affiliated with a college or university;

Scientific institution, designated research area, or site of specialized research techniques and apparatus that is accredited by a nationally recognized accreditation educational agency and conducts regular tours; or

Zoological or botanical park that houses and exhibits living animals, insects, or plants to the public.

“Farm-related” means an established area or facility where consumers can purchase directly from Arizona producers locally-grown consumer-picked or pre-picked produce, or local products produced from locally-grown produce.

“Golf course” means a facility offering at least 18 holes of play. Golf course excludes a miniature golf course, driving range, chip-and-putt course, and indoor golf.

“Historic” means a structure, district, or site that is listed on the National or Arizona Register of Historic Places as being of historical significance, and includes an informational device to educate the public ~~as to~~ about the

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facility's historic features.

"Mall" means a shopping area with at least ~~1,000,000~~ 1 million square feet of retail shopping space.

"Recreational" means a facility for physical exercise or enjoyment of nature that includes at least one of the following activities: walking, hiking, skiing, boating, swimming, picnicking, camping, fishing, playing tennis, horseback riding, skating, hang-gliding, and climbing;

"Scenic tours" means a business that offers guided tours of scenic areas in Arizona through various means, including air, motorized vehicle, animal, walking, or biking;

~~"Winery" or brewery" means a site licensed by the Arizona Department of Liquor Licenses and Control that produces a minimum of 500 gallons annually of wine or beer that is commercially packaged for off premises sale, and is open to the public for tours to provide an educational format for informing visitors about wine and beer processing.~~

"Business" means an entity that provides a specific service open for the general public, is located on a roadway within the required distance of an interstate or rural state highway, and is a primary or secondary business.

~~"Community logo plan" means a project aspect of the rural logo sign program, agreed to by the Department, the contractor, and a municipality outside an urbanized area to place specific service information signs on a rural state highway for the municipality.~~

"Contract" means a written agreement between the Department and a contractor to operate a logo sign program or any aspect of a logo sign program that describes the obligations and rights of both parties.

"Contractor" means a person or entity that enters into an agreement with the Department to operate a logo sign program or any aspect of a logo sign program, and that is responsible for ~~marketing, furnishing, installing, maintaining, and replacing specific service information signs.~~ those aspects of a logo sign program as provided in the contract.

"Department" means the Arizona Department of Transportation.

~~"Director" means the Director of the Arizona Department of Transportation or the Director's designee.~~

"Exit ramp" means a roadway by which traffic may leave a controlled access highway to another highway.

~~"FHWA" means the Federal Highway Administration of the U. S. Department of Transportation.~~

"Food court" means a collective food facility that exists in one contiguous area and contains a minimum of three separate food service businesses.

"Highway" has the same meaning ~~as prescribed in A.R.S. § 28-101(49)~~ 28-101.

"Interchange" means the point at which traffic on a system of interconnecting roadways that have one or more grade separations, moves from one roadway to another at a different level.

"Intersection" has the same meaning ~~as prescribed in A.R.S. § 28-601(7)~~ 28-601.

~~"Interstate highway" system" has the same meaning as prescribed in A.R.S. § 28-7901(4)~~ 28-7901.

"Interstate logo sign program" means a system to install and maintain specific service information signs on certain portions of an interstate highway system as provided in A.R.S. § ~~28-7311(A)~~ 28-7311.

"Lease agreement" means a written contract between a contractor and a responsible operator or between the Department and a responsible operator to lease space for a responsible operator's logo ~~sign~~ on a contractor's or the Department's specific service information sign: panel.

~~"Logo" means an identification brand, symbol, trademark, name, or a combination of these, for a responsible operator.~~

"Logo sign" means ~~part of~~ a specific service information sign consisting of a lettered board attached to a separate rectangular panel, ~~and~~ that displays an identification brand, symbol, trademark, name, or a combination of these, for a responsible operator.

"Logo sign panel" means a separate rectangular panel on which a logo is placed.

"Major decision point" means a location at or before the point at which a rural state highway intersects with another rural state highway or a local roadway, that is within a municipality (except an urbanized area), and that the Department determines to be the point at which a driver must make a decision whether to stay on the highway or turn off onto the other highway or local roadway.

"Municipality" means an incorporated city or town.

"MUTCD" means the Manual on Uniform Traffic Control Devices, a national standard for the design and application of traffic control devices published by the U.S. Department of Transportation (U.S. DOT), Federal Highway Administration (FHWA) and used as the standard for traffic control devices for use upon the streets and highways of the state of Arizona as required by A.R.S. § 28-641.

“Primary business” means:

A gas service business that is within three miles of an intersection or exit ramp, and is in continuous operation to provide services at least ~~12~~ 16 hours per day, seven days per week; for the interstate system and 12 hours per day, seven days per week for other highways;

A food service business that is within three miles of an intersection or exit ramp terminal, ~~and is open for operation no later than 7:00 a.m., provides seating for at least 20, and is in continuous operation to provide service at least three meals per day (breakfast, lunch, and dinner) at least six days per week;~~ in continuous operation to serve at least two meals per day at least six days per week;

A lodging service business that is within three miles of an intersection or exit ramp terminal;

A camping service business that is within five miles of an intersection or exit ramp terminal; or

An attraction service business, or staging area of that business, that is within three miles of an intersection or exit ramp terminal; or

A 24 hour pharmacy that is within three miles of an interchange or exit ramp terminal.

“Ramp terminal” means the area where an exit ramp intersects with a roadway.

“Responsible operator” means a person or entity that:

Owns or operates a business,

Has authority to enter into a lease, and

Enters into a lease for a logo sign through the interstate, ~~or rural,~~ or urban logo sign program.

“Rural logo sign program” means a system to install and maintain specific service information signs on a rural state highway outside of an urbanized area, as provided in A.R.S. § ~~28-7311(B)~~ 28-7311.

“Rural state highway” means any class of state highway, other than an interstate highway, located outside of an urbanized area as provided in A.R.S. § ~~28-7311(B)~~ 28-7311.

“Secondary business” means a business as follows:

A gas service business that is within ~~15 miles~~ three to 15 miles of an intersection or exit ramp terminal, and ~~is~~ in continuous operation to provide services at least eight hours per day, five consecutive days per week;

A food service business that is within ~~15 miles~~ three to 15 miles of an intersection or exit ramp terminal, and is in continuous operation to serve at least two meals per day (either breakfast and lunch, or lunch and dinner) for a minimum of five consecutive days per week;

A lodging service business that is within ~~15 miles~~ three to 15 miles of an intersection or exit ramp terminal;

A camping service business that is within ~~15 miles~~ three to 15 miles of an intersection or exit ramp terminal; or

An attraction service business, or staging area of that business, that is within ~~15 miles~~ three to 15 miles of an intersection or exit ramp terminal.

A 24 hour pharmacy that is within three to 15 miles of an interchange or exit ramp terminal.

“Specific service” means gas, food, lodging, camping, ~~or attraction services.~~ attractions, or 24 hour pharmacies.

“Specific service information sign” means a rectangular sign panel that contains directional information, one or more logos, and the following ~~words:~~

~~The words~~ “GAS,” “FOOD,” “LODGING,” “CAMPING,” ~~or~~ “ATTRACTION,” OR “TWENTY-FOUR-HOUR PHARMACY.”

~~Directional information; and~~

~~One or more logo signs.~~

“Staging area” means a regular, designated site where a scenic tour begins.

“State highway” has the same meaning as prescribed in A.R.S. § 28-101.

“Straight-ahead sign” means a specific service information sign that provides additional directional guidance to a location, route, or building located straight ahead on a roadway, and that is located before a junction that is a major decision point.

“Trailblazing sign” means a specific service information sign that provides additional directional guidance to a location, route, or building from another highway or roadway.

“Urbanized area” has the same meaning prescribed in A.R.S. § ~~28-7311(D)~~ 28-7311.

“Urban logo sign program” means a system to install and maintain specific service information signs on an interstate highway within an urbanized area, as provided in A.R.S. § 28-7311.

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"U.S. DOT" means the U. S. Department of Transportation.

B. ~~Logo sign program administration. Administration.~~

1. ~~The Department shall solicit offers, as provided in A.R.S. §§ 41-2501 through 41-2673, to select a contractor to operate a logo sign program. The Department may operate an urban, an interstate, and a rural logo sign program, or may select a contractor to administer an urban, an interstate, and a rural logo sign program. If the Department utilizes a contractor to administer an urban, an interstate, and a rural logo sign program, the Department shall solicit offers, as provided in A.R.S. §§ 41-2501 through 41-2673, to select a contractor.~~
2. ~~The Department may contract separately for each program: an urban, an interstate, and a rural logo sign program.~~
3. ~~The A contract shall specify the standards that a contractor shall use, including the following: which are contained in the MUTCD, U.S.DOT/FHWA, current edition as adopted by the Department under A.R.S. § 28-641 and any other requirements and standards prescribed by the Department.~~
 - a. ~~Manual on Uniform Traffic Control Devices, USDOT/FHWA, current edition as adopted by the Department;~~
 - b. ~~Arizona Department of Transportation Traffic Control Supplement, 1996 edition; and~~
 - c. ~~Arizona Department of Transportation Standard Specifications, 2000 edition.~~
4. ~~The Department shall approve the form of any lease agreement between the contractor and may propose its own form of a written lease agreement with a responsible operator. The Department shall pre-approve the form of any written lease agreement between a contractor and a responsible operator. The lease agreement shall A contractor's lease agreement with a responsible operator shall include, by reference, the terms and conditions of the Department's contract with the a contractor under A.R.S. §§ 41-2501 through 41-2673.~~

C. Eligibility criteria for primary and secondary businesses.

1. Any business is ineligible ~~for to place~~ a logo on a logo sign panel if it already has a highway guide sign installed by the Department.
2. Gas service business. To be eligible to place a logo ~~sign, on a logo sign panel,~~ a gas service business shall:
 - a. ~~Provide fuel, gasoline, diesel fuel, oil, and water for public purchase or use;~~
 - b. ~~Provide restroom modern sanitary facilities and drinking water; and~~
 - c. ~~Provide a telephone available for emergencies to the public during hours of operation; available for public use; and~~
 - d. Operate continuously at least 16 hours per day, seven days per week for the interstate system and 12 hours per day, seven days per week for other highways.
3. Food service business. To be eligible to place a logo ~~sign, on a logo sign panel,~~ a food service business shall:
 - a. ~~Provide restroom modern sanitary facilities for customers;~~
 - b. ~~Provide a telephone available for emergencies to the public during hours of operation; and available for public use; and~~
 - c. ~~If a food service business is part of a food court located within a shopping mall, the shopping mall may qualify as the responsible operator if the food court:~~
 - i. ~~Complies with subsection (C)(3), and~~
 - ii. ~~Has clearly identifiable on-premise signing consistent with the logo sign that is sufficient to guide motorists directly to the entrance to the food court.~~
 - d. Operate continuously to serve at least two meals per day, at least six days per week; and
 - e. Have a license where required;
 - f. If a food service business is part of a food court located within a shopping mall, the shopping mall may qualify as the responsible operator if the food court:
 - i. Complies with subsection (C)(3), and
 - ii. Has clearly identifiable on-premise signing consistent with the logo that is sufficient to guide motorists directly to the entrance to the food court.
4. Lodging service business. To be eligible to place a logo ~~sign, on a logo sign panel,~~ a lodging service business shall:
 - a. ~~Provide five or more units of sleeping accommodations; and~~
 - b. ~~Provide a telephone available for emergencies to the public during hours the lobby is open for registration; public use;~~
 - c. Have a license, where required; and
 - d. Provide modern sanitary facilities for customers.
5. Camping service business. To be eligible to place a ~~logo sign, logo on a logo sign panel,~~ a camping service business ~~providing camping facilities~~ shall:
 - a. ~~Be able to accommodate all common types of travel trailers and recreational vehicles; Have adequate parking accommodations;~~
 - b. ~~Be equipped to handle a minimum of 15 travel trailers or recreational vehicles; Have a license, where required;~~
 - c. ~~Provide drinking water and a sewer hook up or dump station; and modern sanitary facilities and drinking water; and~~
 - d. Be available on a year-round basis unless camping in the general area is of a seasonal nature in which case the

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- facilities in question shall be open to the public 24 hours per day, seven days per week during the entire season.
6. Attraction service business. To be eligible to place a ~~logo sign~~, logo on a logo sign panel, an attraction service business shall:
 - a. Derive less than 50% of its sales from:
 - i. The sale of alcohol consumed on the premises, or
 - ii. Gambling;
 - b. Derive more than 50% of its sales, if applicable, or visitors during the normal business season from motorists not residing within a 25-mile radius of the business;
 - c. Provide at least 10 parking spaces; adequate parking accommodations; and
 - d. Provide restroom facilities and drinking water; and Be significant as a historic, cultural, scientific, educational, or recreational site, natural phenomenon, unique commercial activity, have natural beauty, or be suitable for outdoor activity.
 - e. Be in continuous operation at least six hours per day, six days per week, except:
 - i. An arena attraction shall hold events at least 28 days annually;
 - ii. A cultural attraction shall be open at least 180 days annually;
 - iii. An educational attraction shall operate at least six hours per day, five days per week;
 - iv. A domestic farm winery or brewery domestic microbrewery shall be open for tours at least 40 days annually;
 - v. A farm-related attraction shall be open at least 120 days annually; or
 - vi. A dude ranch shall be open at least 150 days annually.
 7. Twenty-four hour pharmacy business. To be eligible to place a logo on a logo sign panel, a 24-hour pharmacy business shall:
 - a. Operate continuously 24 hours per day, seven days per week; and
 - b. Have a state-licensed pharmacist present and on duty at all times.

D. Ranking.

1. If more than six eligible businesses providing the same specific service request lease space ~~for~~ and placement of a logo sign on one specific service information sign, ~~the a contractor or the Department~~ shall use the following ranking criteria to determine which businesses are awarded a lease:
 - a. The business closest to an intersection or exit ramp terminal shall receive first priority,
 - b. A gas service business or a food service business that provides the most days and hours of service shall receive second priority, and
 - ~~c. A food service business that provides the most indoor seating capacity shall receive third priority, and~~
 - ~~d. c.~~ A business that does not have an off-premise advertising sign to direct motorists to its business within five miles ~~of where from the location of the specific service information sign is to be located~~ shall receive ~~fourth~~ third priority.
 - d. All other businesses shall be ranked on a first-come first-served basis by the date and time of the initial request.
2. If two or more businesses have the same ranking, ~~in qualifications, the a contractor or the Department~~ shall award a lease to the first business that requests placement of a logo sign on a logo sign panel. ~~The A contractor or the Department~~ shall establish a waiting list for other businesses in sequence of each request.
3. ~~The A contractor or the Department shall not renew~~ may elect not to renew the lease of a responsible operator if another eligible business with higher priority requests lease space for ~~a logo sign~~ placement of a logo on a logo sign panel.

E. Secondary businesses.

1. Lease limitations. For a secondary business, ~~the a contractor or the Department~~ may enter into a lease for up to five years or renew a lease for up to five years, with the following terms:
 - a. ~~The A~~ responsible operator is guaranteed a term of two years, providing the responsible operator complies with all other terms of the lease;
 - b. After the two-year period, ~~the a contractor or the Department~~ shall terminate the lease and remove the ~~logo sign~~ appropriate logo from the logo sign panel if another eligible business with higher priority requests lease space for a logo sign; and, on a logo sign panel; and
 - c. ~~The A contractor or the Department~~ shall notify ~~the a~~ responsible operator at least six months before terminating the lease and removing the logo from the logo sign- panel.
2. ~~The A contractor or the Department~~ shall display the following additional information on a specific service information sign for a secondary business, as space allows, based on the following ranking order:
 - a. Distance,
 - b. Days and hours of operation, and
 - c. Seasonal operation.

F. Contractor or Department responsibility.

1. ~~The A contractor~~ shall follow all Department design standards and specifications for all sign panels, supports, and materials, as provided in the contract: and the MUTCD.

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2. ~~The A contractor or the Department~~ shall ensure that a business complies with all criteria established in this Section. ~~The A contractor or the Department~~ shall not enter into a lease agreement or renew a lease agreement if the criteria are not met. If a responsible operator becomes ineligible ~~for to place a logo on a logo sign panel, a logo sign, the a contractor or the Department~~ shall remove the logo sign ~~from the logo sign panel within 20 days~~ after notifying the responsible operator as provided in the lease.
3. ~~The A contractor or the Department~~ shall require that a responsible operator certify in writing ~~to the contractor or the Department as directed~~ that the responsible operator will comply with all applicable federal, state, and local laws, ordinances, rules, and regulations.
4. ~~The A contractor or the Department~~ shall not place a specific service information sign ~~so as to obstruct or detract from a traffic control device; that obstructs or detracts from a traffic control device.~~
5. ~~The A contractor~~ shall not remove or relocate an existing traffic control device to accommodate a specific service information sign without prior written approval by the Department, or a local authority under A.R.S. § 28-643.
6. ~~The A contractor or the Department~~ shall provide a copy of the signed lease agreement to the responsible operator. The responsible operator shall deliver the logo sign ~~for the logo sign panel to the contractor or the Department for installation, or contract with the a contractor to fabricate the logo sign logo for the logo sign panel~~ to the responsible operator's and the Department's specifications.
7. ~~The A contractor or the Department~~ shall return any pre-paid lease payments to the responsible operator if the responsible operator's logo sign is not erected on a logo sign panel for reasons caused by the Department or ~~the a contractor~~.
8. ~~The A contractor~~ shall obtain an encroachment permit under R17-3-501 through R17-3-509 before erecting or modifying a specific service information sign along a state highway.
9. If ~~the a contractor~~ requests an encroachment permit under R17-3-501 through R17-3-509, the Department's staff shall decide the best placement of a specific service information sign and shall cooperate with ~~the a contractor~~ to provide information to the motoring public as prescribed in subsection (E)(2).
10. If ~~a logo sign program an urban, interstate, or rural logo sign program~~ is terminated, ~~the a contractor or the Department~~ shall:
 - a. Notify a responsible operator by certified mail of the termination and the location where the responsible operator may claim its logo sign,
 - b. Remove all sign panels and supports, and
 - c. Refund any lease payments on a prorated basis to each responsible operator.
11. A contractor or the Department shall determine the position and location of new or additional logos on logo signs or specific service information signs when logo sign vacancies occur on a logo sign panel or a specific service information sign panel, and a new responsible business wishes to lease space on that panel, or a waiting list exists.

R17-3-903. ~~Special Exception Waiver for Urban Logo Sign Program and Requirements~~

~~For purposes of the logo sign program, the Department shall allow the contractor to install and maintain a specific service information sign on an interstate highway within an urbanized area, as follows:~~

1. ~~The Department eliminates an exit ramp or interchange from the state highway system, within an urbanized area, as prescribed in R17-3-904(A).~~
2. ~~The Department shall allow the contractor to install and maintain a specific service information sign at an exit ramp or interchange directly preceding the exit ramp or interchange that will be eliminated.~~
3. ~~The spacing provisions for a specific service information sign shall be maintained regardless of the space available or the number of businesses.~~
4. ~~A business may request a logo sign by contacting in writing the District Engineer for the Department's District office where the eliminated exit ramp or interchange is located.~~
5. ~~A business shall meet all eligibility criteria as prescribed in R17-3-902(C), except for any distance requirement. A business shall:~~
 - a. ~~Be located directly off of the interstate highway, and~~
 - b. ~~Have been routinely accessed from the eliminated exit ramp or interchange by having direct access from:~~
 - i. ~~The crossroad at the eliminated exit ramp or interchange;~~
 - ii. ~~The frontage road of the interstate at the eliminated exit ramp or interchange, within 1,000 feet of the crossroad; or~~
 - iii. ~~The frontage road of the interstate at the eliminated exit ramp or interchange, within 1,000 feet of the crossroad, as the frontage road existed before the exit ramp or interchange was eliminated.~~
6. ~~The business is responsible for fulfilling all other statutory, regulatory, and contractual requirements of the logo sign program.~~
7. ~~The contractor shall not place a specific service information sign in an urban area for more than three years.~~
- A.** For purposes of the urban logo sign program, when the Department eliminates an exit ramp or interchange from the state highway system in an urbanized area, a contractor or the Department shall install and maintain a specific service information sign panel on an interstate highway within an urbanized area, at an exit ramp or interchange directly preceding the

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exit ramp or interchange that the Department eliminates, as prescribed in this Section.

1. A business may request placement of a logo on a logo sign panel in writing by contacting the Department.
2. A business shall meet the following eligibility criteria as prescribed in R17-3-902(C), except for any distance requirement:
 - a. Be located directly off the interstate highway, and
 - b. Have previous routine access from the eliminated exit ramp or interchange with direct access from:
 - i. The crossroad at the eliminated exit ramp or interchange;
 - ii. The frontage road of the interstate at the eliminated exit ramp or interchange, within 1000 feet of the crossroad; or
 - iii. The frontage road of the interstate at the eliminated exit ramp or interchange, within 1000 feet of the crossroad, as the frontage road existed before the exit ramp or interchange was eliminated.
3. A business is responsible for fulfilling all other statutory, regulatory, and contractual requirements of the urban logo sign program.
4. A contractor or the Department shall not place a specific service information sign in an urban area for more than three years.

B. Urban area. Except as prescribed in this Section, a contractor shall not place a specific service information or directional sign on any highway in an urbanized area, which includes the following:

1. Phoenix:
 - a. Interstate 10, Agua Fria River bridge to Gila River Indian Reservation boundary (milepost 161.68);
 - b. Interstate 17, Skunk Creek bridge to junction Interstate 10;
 - c. State Route 51;
 - d. U.S. 60, Beardsley Canal to Ellsworth Road (milepost 191.40);
 - e. State Route 85, 17th Avenue to 15th Avenue;
 - f. State Route 87, Chandler south city limit (milepost 162.82) to Salt River bridge;
 - g. State Route 88, U.S. 60 to 200 feet north of Tomahawk Road (milepost 197.50);
 - h. State Route 101 loop;
 - i. State Route 143;
 - j. State Route 153;
 - k. State Route 202 loop; or
 - l. State Route 303 loop.
2. Tucson:
 - a. Interstate 10, from railroad overpass (milepost 243.33) to milepost 272.00 (between Kolb and Rita traffic interchanges);
 - b. State Business 19, milepost 59.00 (between Hughes Plant Road and Los Reales Road) to junction Interstate 10;
 - c. Interstate 19, San Xavier Indian Reservation boundary (milepost 57.96) to junction Interstate 10;
 - d. State Route 86, milepost 167.83 (between Century Road and Old Ajo Way) to State Business 19;
 - e. State Route 77, junction Interstate 10 to Oro Valley north city limit (milepost 84.16); or
 - f. State Route 210; or
3. Any other urbanized area with a population of 100,000 or more.

C. Boundary changes. If the boundaries of an urbanized area, as identified in a subsequent decennial census, are relocated so that an intersection, interchange, or exit ramp is no longer eligible for the urban logo sign program, the Department shall allow the logo signs within the revised urbanized boundaries to remain until the minimum lease obligations between a contractor and a responsible operator or between the Department and a responsible operator have been fulfilled, or until lease termination, whichever occurs first.

R17-3-904. Rural Logo Sign Requirements Program

A. Urban area. Except as prescribed in subsection (A)(4) or R17-3-903, the contractor shall not place a specific service information or directional sign on any highway in an urbanized area, which includes the following:

1. Phoenix:

Interstate 10, Agua Fria River bridge to Gila River Indian Reservation boundary (milepost 161.68);
Interstate 17, Skunk Creek bridge to junction Interstate 10;
State Route 51;
US 60, Beardsley Canal to Ellsworth Road (milepost 191.40);
State Route 85, 17th Avenue to 15th Avenue;
State Route 87, Chandler south city limit (milepost 162.82) to Salt River bridge;
State Route 88, US 60 to 200 feet north of Tomahawk Road (milepost 197.50);
State Route 101 loop;
State Route 143;
State Route 153;

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State Route 202 loop; or
State Route 303 loop;

2. ~~Tucson;~~
~~Interstate 10, from railroad overpass (milepost 243.33) to milepost 272.00 (between Kolb and Rita traffic interchanges);~~
~~State Business 19, milepost 59.00 (between Hughes Plant Road and Los Reales Road) to junction Interstate 10;~~
~~Interstate 19, San Xavier Indian Reservation boundary (milepost 57.96) to junction Interstate 10;~~
~~State Route 86, milepost 167.83 (between Century Road and Old Ajo Way) to State Business 19;~~
~~State Route 77, junction Interstate 10 to Oro Valley north city limit (milepost 84.16); or,~~
~~State Route 210; or~~

3. Any other urbanized area with a population of 100,000 or more.

4. Boundary changes. If the boundaries of an urbanized area, as identified in a subsequent decennial census, are relocated so that an intersection, interchange, or exit ramp is no longer eligible for the logo sign program, the Department shall allow the logo signs within the revised urbanized boundaries to remain until the minimum lease obligations between the contractor and a responsible operator have been fulfilled.

~~B-A.~~ Number of ~~signs~~ sign panels and services allowed. Only four specific service information ~~signs~~ sign panels are allowed on an interstate or rural state highway ~~to at the approach to an intersection, interchange, or exit ramp, as shown in Illustrations A and B.~~

1. Each specific service information sign ~~panel may shall~~ contain a maximum of six ~~logo signs.~~ logos as shown in Chapter 2J of the current version of the MUTCD.
2. Only one specific service information sign ~~panel~~ for each ~~category~~ type of specific service is allowed on an interstate or rural state highway ~~to at the approach to an intersection, interchange, or exit ramp. The A contractor or the Department may combine categories~~ types of specific services as prescribed in subsection (F) (E).
3. No more than three types of services shall be represented on any specific service information sign panel. If three types of services are displayed on one specific service information sign panel, the panel shall have two logo sign panels for each service, or a total of six logo sign panels. If two types of services are displayed on one sign, the logo sign panels shall be limited to either three for each type, for a total of six logo sign panels, or four for one type and two for the other type, for a total of six logo sign panels.
4. One service type shall appear on no more than two specific service information sign panels.
5. When logos for more than six businesses of a specific service type are displayed at the same interchange or intersection approach, the following additional provisions shall apply:
 - a. For interchanges, no more than 12 logos of a specific service type shall be displayed on no more than two specific service information sign panels; and
 - b. No more than six logos shall be displayed on a specific service information sign panel.

~~C-B.~~ Sign sequence, ~~and spacing.~~

1. ~~The contractor shall install successive specific service information signs in the direction of travel as shown in Illustrations A and B. A contractor or the Department shall install successive specific service information signs in the direction of travel for the following:~~
 - a.1. ~~Camping or Attraction.~~ Twenty-four pharmacies.
 - b.2. ~~Lodging.~~ Attractions.
 - e.3. ~~Food, and Camping.~~
 - d.4. ~~Gas.~~ Lodging.
 - e.5. ~~Food, and~~
 6. ~~Gas services.~~
2. ~~If the approach to an intersection, interchange, or exit ramp on an interstate or rural state highway has insufficient space in a single direction for four specific service information signs, priority shall be in the following order, as shown in Illustration A:~~
 - a. ~~Gas;~~
 - b. ~~Food;~~
 - e. ~~Lodging, and~~
 - d. ~~Camping or Attraction.~~

~~D-C.~~ If a responsible operator operates on a seasonal basis, ~~the a contractor or the Department~~ shall:

1. Remove or cover the logo ~~sign on the logo sign panel~~ during the off-season; or
2. Display the dates of operation, if additional information is not required under R17-3-902(E)(2).

~~E-D.~~ If the Department ~~requires that~~ determines to move a specific service information sign ~~be moved due to~~ because of construction or reconstruction of transportation facilities, or the placement of other signs or traffic control devices, the standards of the ~~Manual on Uniform Traffic Control Devices~~ MUTCD apply ~~as to~~ regarding the new placement.

~~F-E.~~ Combination signs.

1. ~~The contractor may~~ A contractor or the Department shall combine ~~two~~ three or fewer ~~categories~~ types of specific ser-

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vices on a specific service information sign, ~~as shown in Illustration C, if:~~ panel, or two or fewer logos for each service, for a total of six logos, as shown in Chapter 2J of the current version of the MUTCD.

- a. ~~The A contractor or the Department does not reasonably expect that more than~~ reasonably expects that ~~three or fewer~~ businesses for each service type will request a logo sign within five years from the time of installing the combination sign;
 - b. The approach to an intersection, interchange, or exit ramp on an interstate or rural state highway has insufficient space in a single direction for four specific service information signs; or
 - c. Businesses for each of the ~~five~~ six ~~categories~~ types of specific services request ~~a logo sign.~~ placement of a logo on a logo sign panel.
2. ~~The A contractor or the Department shall ensure that a combination sign contains at least one logo sign for each category of specific service displayed.~~ attempt to achieve representation of as many different service types as possible.
 3. ~~The A contractor or the Department shall not display a logo sign on a combination sign panel if the specific service category type advertised by the logo sign already exists on a specific service information sign panel on the approach to the intersection, interchange, or exit ramp.~~

G.F. Trailblazing signs.

1. ~~The A contractor or the Department~~ shall install a trailblazing sign for a responsible operator along a highway if the responsible operator's business is not located on, and is not visible from an intersection with the highway as directed from the specific service information sign.
2. ~~The A contractor or the Department~~ may locate a trailblazing sign near all intersections where the direction of the route changes or where a motorist may be uncertain as to which road to follow.
3. A trailblazing sign is limited to ~~six logo signs.~~ four or fewer logos.
4. ~~The A contractor or the Department~~ shall obtain written approval from the local governing authority to install and maintain a trailblazing sign along a highway that is not under the Department's maintenance jurisdiction.
5. ~~The A contractor or the Department shall not install a logo sign on a specific service information sign panel until all necessary trailblazing signs have been installed.~~
6. A trailblazing sign shall indicate by arrow the direction to the responsible operator's business.
7. A trailblazing sign may:
 - a. Duplicate the logo sign or specific service information sign, or both;
 - b. Consist of two lines of text; or
 - c. Include the ~~category type~~ of specific service and distance to the responsible operator's business.

H.G. A logo sign shall comply with A.R.S. § 28-648. Descriptive advertising words, phrases, or slogans are prohibited on a logo sign, except:

1. ~~If a~~ A responsible operator ~~who does not have an official trademark or logo, the responsible operator may display on as its logo, on a logo sign panel, sign~~ the name indicated in its partnership agreement, incorporation documents, or other documentation.
2. Words to identify ~~alternative~~ fuel availability, including "gasoline," "diesel," "propane," "natural gas," and "alcohol" ~~are allowed~~ may be placed on a logo ~~sign on a logo sign panel~~ for a gas service business.

R17-3-905. Rural Logo ~~Program~~ Sign Requirements

A. In addition to R17-3-902 through R17-3-906, the following ~~criteria apply in this Section~~ requirements for apply to the rural logo sign program:

1. A business is ineligible ~~for a logo sign to place a logo on a logo sign panel~~ if the business is visible and recognizable from a rural state highway 300 feet from the intersection.
2. ~~The A contractor or the Department~~ shall not install a specific service information sign on a rural state highway less than 300 feet before an intersection from which the services are available.
3. The spacing between specific service information signs on a rural state highway shall be at least ~~200~~ 800 feet.

B. ~~Community logo sign plan.~~

1. ~~The contractor shall develop a community logo sign plan for a municipality that:~~
 - a. ~~Is not in an urbanized area, and~~
 - b. ~~Agrees to the placement of logo signs.~~
2. ~~A representative from the municipality's government or its designee, the contractor, and the Department shall meet, review, and agree to the plan before the contractor markets logo signs to any business.~~
3. ~~Either the representative from the municipality's government or the Department may request that the contractor conduct an engineering study to determine the placement of all future specific services information signs, and in relation to existing specific service information signs.~~
4. ~~The contractor shall not install a specific service information sign on a rural state highway within the boundaries of a municipality unless the municipality agrees in writing to the community logo plan.~~
5. ~~A community logo plan may include subsections (C) and (D).~~

C. ~~Additional directional information.~~

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1. ~~A straight-ahead sign for a responsible operator's business is allowed if:~~
 - a. ~~The community has two or more intersecting rural state highways, or~~
 - b. ~~A local road intersects with a rural state highway at a major decision point for motorists.~~
2. ~~A specific service information sign may include the name or route number of the rural state highway, city street, or county road on which a responsible operator's business is located, either beneath a vertical, left, or right directional arrow or at the top of the specific service information sign.~~

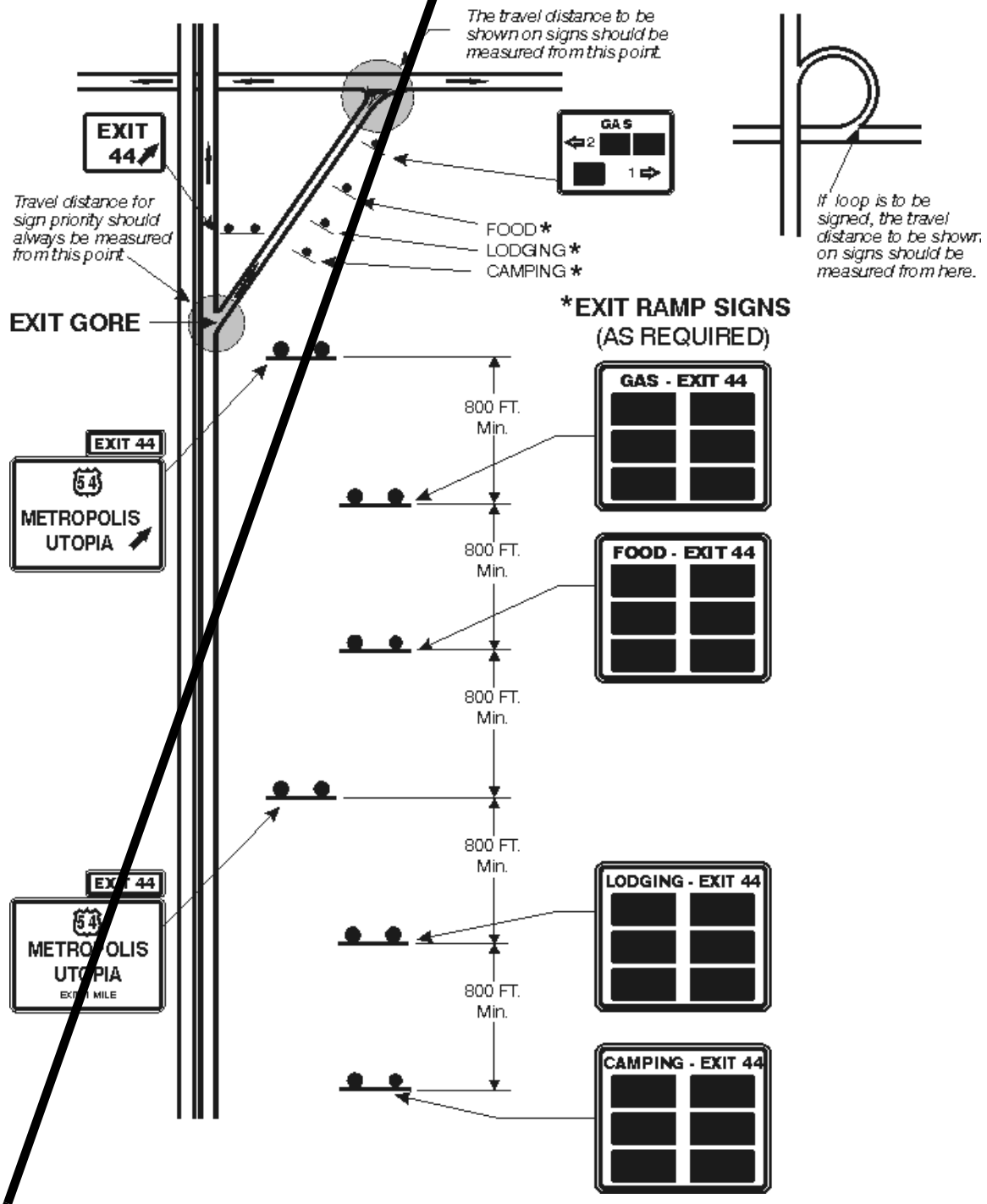
D.B. Services Specific service information signs.

1. ~~The A contractor or the Department may shall~~ install a specific service information sign that combines ~~three or more categories no more than three types~~ of specific services and displays the legend "SERVICES" at an approach to an intersection on a rural state highway, ~~as shown in Illustration C, in accordance with the MUTCD, if:~~
 - a. ~~The A contractor or the Department reasonably expects three or more expects categories three or fewer types~~ of specific services to lease space for placement of logos on a specific service information sign, panel, and
 - b. ~~The A contractor or the Department reasonably expects the total number of logo signs logo sign panels to be leased will be at least three and not more than six 12.~~
2. ~~The A contractor or the Department~~ shall install no more than one specific service information sign panel that displays the legend "SERVICES" ~~on at~~ an approach to an intersection.
3. ~~The A contractor or the Department~~ shall not display a logo ~~sign~~ on a specific service information sign panel that displays the legend "SERVICES" if the specific service category type advertised by the logo sign already exists on a specific service information sign ~~on at~~ the approach to the intersection.

C. A community official designated by a municipality or village organized under Arizona law may sign a written agreement with the Department or its contractor to prohibit installation of logos on logo sign panels or specific service information sign panels on rural state highways within the recognized boundaries of the community.

Illustration A. Repealed

TYPICAL SIGNING FOR SINGLE EXIT INTERCHANGES (INTERSTATE PROGRAM)



The spacing provisions for a specific service information sign shall be maintained regardless of the space available or the number of businesses.

Illustration B. Repealed

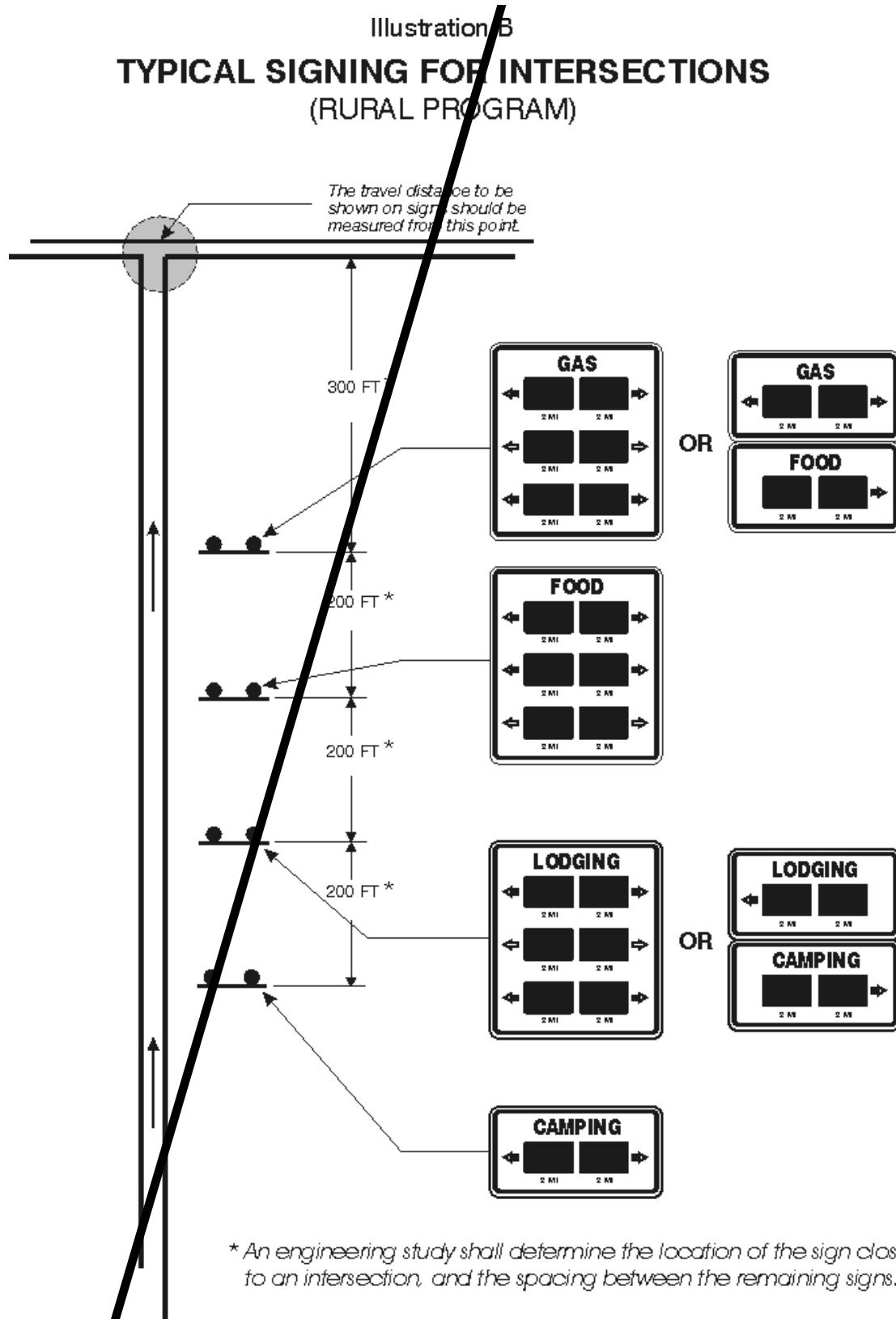
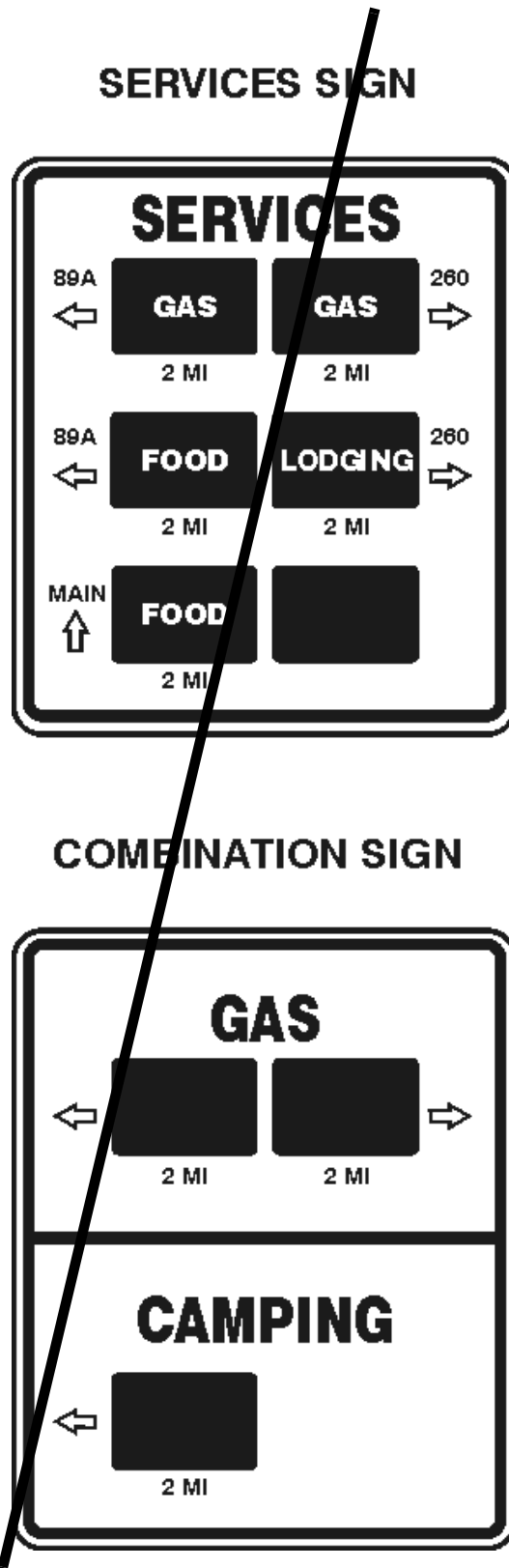


Illustration C. Repealed



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- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business and consumer impact:**

The Federal Occupational Safety and Health Administration have determined that the final standard is not economically significant regulatory action under Executive Order 12866. OSHA also determines that the final standard is not a major rule under the Congressional Review Act and that the rule does not have a significant impact on small entities. This proposed rule deletes and revises a number of provisions in existing standards and removes or reduces several current requirements from employers.

- 9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: William M. Wright, Assistant Director
Address: Division of Occupational Safety and Health
Industrial Commission of Arizona
800 W. Washington St., Suite 203
Phoenix, AZ 85007
Telephone: (602) 542-1695
Fax: (602) 542-1614
E-mail: wright.william.m@dol.gov

- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

An oral proceeding has been scheduled as follows:

Date: February 15, 2012
Time: 9:00 a.m.
Location: ADOSH Training Room, second floor
Industrial Commission of Arizona
800 W. Washington St.
Phoenix, AZ. 85007

The close of record is Wednesday February 15, 2012, 5:00 p.m. A person may also submit written comments on the proposed rules no later than 5:00 p.m. Wednesday February 15, 2012, to the individual listed in items 4 and 9.

- 11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

Not applicable

- a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Not applicable

- b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

Not applicable

- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

Not applicable

- 12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

29 CFR 1926 The Federal Occupational Safety and Health Standards for Construction and 29 CFR 1910 The Federal Occupational Safety and Health Standards for General Industry with amendments as of July 8, 2011. This incorporation by reference will appear in R20-5-601 and R20-5-602.

- 13. The full text of the rules follows:**

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Section

- R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926
R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments as of ~~August 9, 2010~~, July 8, 2011, incorporated by reference. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after ~~August 9, 2010~~ July 8, 2011.

R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

Each employer shall comply with the standards in Subparts B through Z inclusive of the Federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments as of ~~June 15, 2010~~, July 8, 2011, incorporated by reference. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona; provided that this rule shall not apply to those conditions and practices which are the subject of R20-5-601. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after ~~June 15, 2010~~ July 8, 2011.